

# The Solicitors' Journal.

LONDON, FEBRUARY 23, 1884.

## CURRENT TOPICS.

ON THURSDAY LAST Mr. Justice NORTH took his seat in Chancery Court No. 2, having been absent on circuit for thirty-four working days of the present sittings.

CHANCERY DIVIDENDS payable to suitors on the 5th of April next will, under the Supreme Court (Funds) Rules, which come into operation on the 1st of March, be transmitted by post to persons who forward a proper request in pursuance of rule 48, and fulfil the other requirements of the office.

IT IS UNDERSTOOD to be the intention of Sir GEORGE KELLNER, the new Paymaster of the Supreme Court, to keep a separate set of books for funds in court in actions in the Queen's Bench Division. This plan appears to be necessary, as the modes of dealing with the two sets of funds materially differ.

ON MONDAY NEXT all the judges of the Court of Appeal will have returned from circuit. It is worth while to note that, notwithstanding the absence of three of the Lords Justices, the work of the court has been kept up with great energy, mainly owing to the assistance rendered by the Lord Chancellor. With the exception of a single day, two divisions of the court have been constantly sitting, and have practically disposed of the whole list of interlocutory appeals. There remain, however, upwards of 300 final appeals to be disposed of now that the court is able to sit in two divisions of three judges each.

THE LAST TIME the list of dormant funds in chancery was published was in the *Gazette* of the 23rd of June, 1881, and this list was carried up to the 1st of September, 1880. By the new rule (101), which comes into operation on the 1st of March, the regulations are the same as formerly. Under the old rule, the list should be published in a *Gazette* of the 1st of March next, and be carried up to the 1st of September, 1883. Whether this list will appear at the time specified remains to be seen; but for the statement recently made in the House of Commons, we should be inclined to doubt whether it had been taken in hand yet.

IT IS VERY MUCH to be hoped that the new Pay Office Rules will decrease the necessity for the various verbal and other alterations in Chancery Orders which are now required by reason of the strict practice of the Paymaster's Office. As matters now stand, an alteration necessitates two operations:—(1) seeing the registrar on a day he is not in court, and convincing him of the desirability of the alteration required; (2) waiting until the next day for the alteration to be placed on the record at the entering seat. Under the new rules there will be added the third process of procuring the alteration to be added to the office copy of the schedule in the hands of the Paymaster; on which schedule alone he will act.

WE PRINT elsewhere a report of a case (*Stanford v. Roberts*) in which Mr. Justice KAY has given a very important decision on the scope of the Remuneration Order. The taxing master disallowed certain charges according to the scale for conveyancing work, on the ground that the scale did not apply to conveyancing business

transacted in an action. On a summons to review the taxation, Mr. Justice KAY held that the scale applied to conveyancing matters transacted in an action. The question turns on the language of section 2 of the Solicitors' Remuneration Act, 1881, and of rule 2 of the Remuneration Order. Section 2 of the Act enables the "tribunal" to make a general order "for prescribing and regulating the remuneration of solicitors in respect of business connected with sales, &c., and other matters of conveyancing, and in respect of other business not being business in any action." The Order follows the words of the Act, providing (rule 2) that "the remuneration of a solicitor in respect of business connected with sales, &c., and other matters of conveyancing, and in respect of other business, not being business in any action, &c., shall be regulated as follows." We confess that we have always thought, as we intimated before the Order came into force (27 SOLICITORS' JOURNAL, 23), that since the Act and Order provide that "the remuneration of a solicitor in respect of business" (of certain specified kinds) "and in respect of other business not being business in any action, &c., is to be regulated, &c." the exception must be taken to have reference to all the business previously mentioned in the rule; but that the effect of the provision in rule 2 (c), that, in respect "of all other business, the remuneration for which is not *heretofore* prescribed, the remuneration is to be regulated according to the present system as altered by Schedule II. hereto, is to make that schedule applicable to the remuneration of the solicitor for conveyancing work in the Chancery Division. We admit, however, that the point is one of much difficulty; and that the reason of the thing is all the other way, for no one can suggest any ground for remuneration being paid in one way for conveyancing done in an action and in another way for similar business done not in an action; and we think that Mr. Justice KAY has, at all events, arrived at a common-sense interpretation.

IT IS ANNOUNCED that the Board of Trade have certified that the International Health Exhibition which it is intended to open at South Kensington in the course of the coming spring is an international exhibition, and that, by virtue of this certificate, exhibitors at the exhibition will participate in the privileges accorded by the Patents, Designs, and Trade-Marks Act, 1883, in cases where such a certificate is granted. The provisions of the Act relating to this subject are contained in sections 39 and 57, of which the first is directed to patents, the second to designs. These sections now take the place of the repealed Acts of 1865 and 1870, and their purport is that the exhibition at an industrial or international exhibition, certified as such by the Board of Trade, of an invention, or of a design, or of any article to which a design is applied, is not to prevent the invention or design from being patented or registered, or to invalidate such a patent or registration. And the same privilege is conceded in the case of an invention or design of which a description is published during the period of the exhibition, or which, being an invention, is used, or, being a design, is exhibited, by any person elsewhere, during the period of the exhibition, without the privity or consent of the inventor or proprietor. And the same is the case where an invention is used for the purpose of the exhibition in the place where the exhibition is held. This is an important concession to inventors and designers, as they are thus enabled to obtain in advance the benefits of a wide public advertisement, without losing the rights which, but for this enactment they could only have retained by keeping their discoveries secret till after the usual steps had been taken for securing protection. It is, however, very necessary that persons who desire to obtain these benefits should comply with the conditions upon which they are granted, which are to give the Comptroller-General the prescribed notice of intention to exhibit, and to make their applications for a patent or

for registration before, or within six months from, the date of the opening of the exhibition. Rules 17 of the Patents Rules and 36 of the Designs Rules require the intending exhibitor, after obtaining from the Board of Trade a certificate that the exhibition is of an industrial or international character, to give the comptroller seven days' notice of his intention to exhibit, publish, or use the invention or design, as the case may be; and they also require him, for the purpose of identifying the invention or design, in the event of an application being made for a patent or for registration, to furnish to the comptroller a brief description of his invention, accompanied, if necessary, by drawings, or of his design, accompanied by a sketch or drawing thereof, and any further information which the comptroller may require. The rules also provide forms in which intending exhibitors are to give notice to the comptroller of their intention (see Form O., Patents Rules, and Form L., Designs Rules). If these conditions are disregarded, the benefits of the Act will be lost, and the right to the patent, or to the registration, will be lost by premature disclosure. In addition to the advantage of being able to disclose and advertise the invention or design earlier than could otherwise be done, persons who avail themselves of the Act will have so much longer in which to perfect their inventions or designs. There should be a good show at South Kensington, especially when it is considered how many new discoveries are constantly being made in matters relating to health.

THE SPECIAL INDORSEMENT under ord. 3, r. 6, to be followed, in the absence of good cause being shown, by summary judgment under order 14, in an action for possession against a tenant, will not be allowed in cases of forfeiture. So it was recently held by MATHEW, J., at chambers, in two separate cases, but slightly differing from each other (*Burn v. Walford*, ante, p. 269, and *Mansergh v. Rimell*, ante, p. 271), and the decisions appear to us to be indisputably correct. Ord. 3, r. 6, allows the special indorsement "in actions for the recovery of land by a landlord against a tenant whose term has expired, or has been duly determined by notice to quit." Forfeiture arises only at the option of the landlord, even although the proviso for re-entry provides that the lease shall be absolutely void upon the happening of the events which cause the forfeiture; and although the option is exercised by issuing a writ in ejectment, the question whether it was rightly exercised ought to be determined by regular process of law in an action. It is material to point out that ord. 3, r. 6, is in terms very similar to section 213 of the Common Law Procedure Act, 1852, which in its turn is almost identical with the repealed 1 Geo. 4, c. 87. Under this latter statute there is an express decision to the effect that forfeiture is not included in the words "expiration of term" (*Cundley v. Sharpley*, 15 M. & W. 558), and another decision (*Doe v. Findal v. Roe*, 2 B. & Ad. 922), that neither is a surrender included therein. While on ord. 3, r. 6, we may add that in *Hobson v. Monk* (ante, p. 235), MATHEW, J., at chambers, has also held that the provisions of that rule do not apply to the recovery of land by a mortgagee against a mortgagor under an attornment clause in the mortgage deed; on the ground that the mortgagee claims possession, not as landlord, but as mortgagee.

IT APPEARS that at the recent Northampton election Mr. HENRY VARLEY sent to the electors a circular, not bearing any printer's name and address, intended to influence them against Mr. BRADLAUGH, and Mr. BRADLAUGH has intimated his intention to proceed against Mr. VARLEY for the penalty of £100 imposed by section 18 of the Corrupt Practices Act on "any person printing, publishing, or posting, or causing to be printed, published, or posted," any "bill, placard, or poster having reference to an election, not bearing upon the face thereof the name and address of the printer and publisher thereof." If this intention is carried out, the magistrates, who will have to decide the question, will have a rather knotty point of construction to settle. The section above referred to was added to the Act in the House of Commons in order to put a stop to the abuse of the practice of posting anonymous placards which was stated to have occurred at an Irish election, and it may be conjectured to have been intended to refer only to placards properly so-called; but the words used are, perhaps, capable of a wider interpretation. A circular is clearly not a "placard or poster" within the section; is it a "bill"?

## THE SUPREME COURT FUNDS RULES, 1884.

THESE long-expected rules, which are to revolutionize the practice in the Pay Office of the Chancery Division, and to provide for the suitors' funds paid into court in the other divisions of the High Court, have at length appeared. They are signed by the Lord Chancellor, and receive the concurrence of Mr. Childers and Mr. Herbert Gladstone, on behalf of the Commissioners of the Treasury, and are to come into operation on the 1st of March, 1884. We propose to notice here the principal portions of the rules which create alterations in the present practice, and to point out, so far as may be, the mode in which they operate.

The rules begin by revoking the Chancery Funds Consolidated Rules, 1874, and all other rules or general orders prescribing the mode of dealing with funds in court inconsistent with them, but they are not to apply to orders made and not fully acted upon before the 1st of March, except as regards certificates of sale and transfer, which, from that date, are not to be required. In the interpretation clause (rule 3) we find several words new to the vocabulary of the court which it is important should be understood. For instance, "funds" means either stock or cash; "lodge" means pay or transfer into court; "ledger credit" is a new phrase, substituted for the old term "credit," and signifying the title at the heading of an account in the paymaster's books. The body of rules is divided into twelve parts, the first of which terminates with the interpretation clause. Part II. deals with the preparation of orders in the Chancery Division and in lunacy. Every order (rule 5) which directs funds to be lodged in court is to have annexed thereto, as part thereof, a lodgment schedule containing particulars of the funds to be lodged in court, and especially the names and descriptions of the persons who are to lodge as well as the amount to be lodged. The lodgment schedule is to be prepared on a printed form given in the appendix, and in the manner shown in certain specimen schedules, also given. By rule 6, every order which directs funds in court to be paid, sold, transferred, or delivered to any person, or carried over to any other ledger credit, is to have annexed thereto, as part thereof, a payment schedule, to be prepared in like manner as the lodgment schedule. There are to be separate lodgment and payment schedules for each separate account to which funds are to be lodged or are standing, which are to be dealt with by the order (rule 9). The paymaster is not to have the order nor even to see it, but only the schedules, which, for his purposes, are to be transmitted to him (rule 25) separate and apart from the order. In future, when costs are directed to be taxed and paid to solicitors, the names of the solicitors will not be in the order, but they will be ascertained (rule 12) by the taxing master, and the paymaster will, if he sees fit, insert the names in his copy of the payment schedule. An affidavit verifying a computation of interest up to a future date fixed by a chief clerk's certificate is no longer to be required (rule 15), but the paymaster may require the solicitor to sign a written computation of such interest. In cases where this cannot be done (rule 16) an affidavit or statutory declaration will still be required. The preparation of the schedules is to be performed (rule 22) by the solicitor in all cases where orders are made in accordance with minutes agreed on, but in other cases it is assumed they will be prepared by the registrars.

Part III. of the rules only prescribes the form in which orders in the Queen's Bench and Probate, Divorce, and Admiralty Divisions are to be drawn up.

Part IV. relates to lodgment in court. By rule 30 funds are to be lodged in court in the Chancery Division on a direction to the bank or other company to be issued by the paymaster, and, in accordance with previous practice, such a lodgment may be made without an order, but not to a separate account, except as security for costs. Directions for lodgment in pursuance of an order, or under the Trustee Relief Act, will also be issued by the paymaster upon his receiving a copy of the lodgment schedule. In this rule (30) provision is made for directions to be issued for lodgment in court under the provision of R. S. C. ord. 22, or of ord. 31, r. 26. Payment into court in urgent cases to a suspense account (rule 31) is retained. In the Queen's Bench Division lodgment of funds is to be made (rule 32) on the



presentation of a request signed by, or on behalf of, the person desiring to make the lodgment, and in the form prescribed; and, according as the lodgment is made under a particular rule of court, a statement of the grounds for payment in will form part of the request. If the lodgment is made upon a notice or pleading, that document is to be produced at the bank, and the receipt for the lodgment given thereon, and if in pursuance of an order, the order or an office copy thereof is to be produced to the bank by the person making the lodgment.

In the Probate, Divorce, and Admiralty Division (rule 34) a lodgment of funds is to be made upon presentation at the bank of an authority signed by a registrar of that division, and this authority will be issued by the registrar on a request signed by, or on behalf of, the person making the request, and will contain certain particulars prescribed by the rule. In order to facilitate business a request or authority for the issue by the paymaster of a direction for lodgment may (rule 35) be sent to the paymaster by post, and by him returned by post to the address specified in the request. In cases where a person is directed by an order to pay money into court the old provision is retained (rule 36), that the amount may be paid in though the time has expired, and in addition he is allowed to pay in any further sum which may have become due.

When money is paid in under the Trustee Relief Act the same particulars as heretofore are to be contained in the affidavit of the trustee, but it is to have annexed to it (rule 41) a lodgment schedule in the same form as the lodgment schedule to an order.

Part V. of the rules deals with appropriation in the Queen's Bench Division of money lodged under R. S. C. order 14. When money has been lodged in court under this order as a condition of liberty to defend, and the defendant desires to appropriate the whole or part thereof to any specified portion of the plaintiff's claim under R. S. C. ord. 22, r. 11, he is to leave (rule 43) at the Pay Office a notice of appropriation in the specified form.

In Part VI. provision is made for getting funds out of court. Under rule 44 money lodged in court in the Chancery and Queen's Bench Divisions in actions for debt and damages under R. S. C., orders 22 and 31, or lodged and appropriated under order 14, may be paid out on a direction issued by the paymaster, or if lodged as security for costs, on a certificate of the Taxing Office; but in other cases money can only be paid out in pursuance of an order. When the paymaster receives a payment schedule, he is forthwith (rule 47) to prepare directions for payment, and to deliver them out on the personal application of the person entitled. He is only to invest money or transfer securities out of court on receipt of the necessary authority, and to sell on an application by or on behalf of the persons entitled. The next rule (48) creates a great change in the former practice. Any person residing within the United Kingdom who is entitled under an order to any dividend, annuity, or other periodical payment, and a person entitled to any other payment not exceeding £500, may obtain a remittance by post at his own risk by sending to the paymaster a request, attested by two witnesses, of whom one is to be a justice of the peace, a commissioner to administer oaths, or a clerk in holy orders, or a notary public, but the paymaster is at liberty to refuse to comply with the request. It must not be thought that this provision will work very smoothly, as compliance with the request will be subject to the previous fulfilment of any conditions of payment. The most common condition of payment is that the payee should be alive, and an affidavit that he is alive is usually required. Now, under rule 95, the paymaster may act on a declaration of the solicitor of the payee, attested in the same manner as the request for payment is to be attested. It is to be hoped that the attestation of the request will prove to be sufficient evidence that the person signing it is alive. Widowhood is often a condition of payment, and can, apparently, only be proved by means of an affidavit. These proofs, which are sufficiently onerous when the parties come personally, with their solicitors, to the Pay Office, will not be made more easy when communication has to be carried on by post. A little provision in rule 55 will save an annoyance which has frequently happened. Formerly, when an amount of securities in court was directed to be transferred to any person, or carried over, any dividends thereon would not, unless specified in the order, go to the same destination as the securities, so that, whenever the transfer or carrying over was delayed over a day on which the dividend attaches, the dividend would not be paid, and it had become a constant practice to direct

payment of these dividends, though it was tolerably certain the order would be acted on before the dividend attached to the stock. In future, by this rule, dividends will be paid and carried over as a matter of course without any direction, and so, in like manner, when the dividends have been brought into account and invested before payment, the securities on which the dividends are invested will be (rule 56) transferred to the person who was entitled to the dividends, or carried over to the same account to which the securities from which they arose have been carried over. Another provision (rule 62) will be found useful which deals with payments to the legal personal representatives of persons named in an order who die before payment. As regards payments directed to be made to creditors, they are to be made to the legal personal representatives, whether the creditor died before or after the date of the order. The value of this provision is obvious. An administration action goes on somewhat slowly, and, when the time comes to pay the creditors, there is no one who knows whether any particular creditor is then in existence, and the fact of his death is only discovered after the paymaster has drawn a cheque for payment of his debt. But, in any case where payment is made to the legal personal representative of a person named in an order, the probate or letters of administration must not be (rule 65) dated more than six years from the date of the order.

Investments are dealt with in Part VII. of these rules. As regards dividends the smallest amount that can be invested is £40 half-yearly; £40 is also the minimum amount of cash in court (rule 72) which can be invested. There are two exceptions to this—viz., dividends amounting to £10 arising from funds lodged in court (rule 73) under the Legacy Act, and (rule 74) under the Trustee Relief Act.

Part VIII. relates to money on deposit, and provides, *inter alia* (rule 77), that money shall not be placed on deposit when standing to any cause or matter in the Queen's Bench or Probate, Divorce, and Admiralty Divisions, and that no less than £10 shall be so placed, and that (rule 78) when money on deposit becomes reduced below £10 it is to be withdrawn from deposit.

The exchange or conversion of Government securities treated of in Part IX. does not very much concern our readers, though it will interest them to know that in future the paymaster will not sell and purchase each day the securities he is directed so to deal with, but will set off the securities he is directed to sell against the securities he is to purchase, and only sell or purchase the balance. This is a revival of the 44th of the Chancery Funds Consolidated Rules, 1874, which was founded on the 16th section of the Court of Chancery Funds Act, 1872, and fell when the latter section was repealed by the 30th section of the Judicature Act, 1875. Notwithstanding, however, that no sale or purchase will, in the majority of instances, take place, the suitor will, nevertheless, be charged with a commission as on a sale or purchase. Provision is made (rules 89, 90) for adjusting the account of these exchanges, and also (rules 91, 92) for adjusting the account with the National Debt Commissioners of the surplus cash in court which is from time to time placed in their hands.

There is no new provision in Part X. except that before referred to, under which, by rule 95, a solicitor may make a declaration as to a person being alive.

Part XI. provides (rule 97) for the transmission of copies of all orders to the Audit Office; and, by rule 98, the paymaster is to be supplied with an office copy of every certificate or other authority of a master or chief clerk or taxing officer of a master in lunacy, on which he is to act, or of so much thereof as is necessary.

Among the miscellaneous provisions in Part XII. is that relating to dormant funds, which provides (rule 101) that on or before the 1st of March in every third year the paymaster shall prepare, in such form and with such particulars as the Treasury may from time to time direct, a list of the ledger credits in his books to which there stood on the 1st of September then next preceding any funds, not less than £50, which have not been dealt with during the fifteen years immediately preceding the last-mentioned date. The list is to be filed in the Central Office, and to be inserted in the *London Gazette*, and exhibited in the several offices of the court. Small balances amounting to less than £5, which have not been dealt with for five years, are to be carried (rule 102) to a special account, but no other provision is made for sums below £50 standing to accounts not dealt with. The paymaster is (rule 106), upon the request of any person named in an order, and entitled to

or interested in funds in court, or of his solicitor, to record the name and address of such person, or of his solicitor. This, it is to be presumed, is with reference to the payment of dividends by post. These rules have evidently been prepared with much labour and skill, and we cannot discover any serious omissions. Their defects will only be seen in the working.

## CORRESPONDENCE.

### TIME FOR PLEADING.

[To the Editor of the Solicitors' Journal.]

Sir,—By rule 42 of April, 1880, the time for delivering or amending any pleading might be enlarged by consent in writing, without application to the court or a judge.

The new rules annul the Rules of April, 1880, and provide that the time for pleading shall be extended by the court or a judge.

Under these circumstances, it seems necessary to issue a summons for extension of time.

WEST END SOLICITORS.

London, W., Feb. 18.

## THE NEW PRACTICE.

R. S. C., 1883, ORD. 36, RR. 4-6; ORD. 16, R. 53—TRIAL WITH JURY—INDEMNITY—THIRD-PARTY PROCEDURE.—In a case of *Coles v. The Civil Service Supply Association*, before Kay, J., on the 12th inst., questions as to the mode of trial, under order 36, and as to third-party procedure, under order 16 of the new rules, came under the consideration of the court. The action was brought for damages for injury done to the plaintiff's premises by pulling down a party wall in the course of repairs to the defendants' buildings in Bedford-street, and had been commenced in the Chancery Division, the writ claiming an injunction, which had not, as yet, been applied for. The plaintiff now applied by summons, under ord. 36, r. 6, to have the case tried with a jury in Middlesex. The defendants alleged that the works in question had been executed for them by one Shaw, a builder, under a contract which provided that he was to make good any damages that might be done to the adjacent buildings and premises in carrying out the works, and that they were, therefore, entitled to indemnity against him, and now applied for directions, under ord. 16, r. 53, for having this question determined between them in the action. They also resisted the plaintiff's application for a trial with a jury, on the ground that, as he had chosen to commence his action in the Chancery Division, he ought not to be allowed to transfer the action to another division; further, that questions of law were likely to arise in the action, whether the effect of an award of two surveyors under the Metropolitan Building Act as to the expense of re-building the party wall was not a bar to the plaintiff's right to damages; that, if any such right were established, the amount could easily be assessed by some person to be nominated by the court; and that, as the action was one which, under Rolt's Act, might have been tried in chancery, the court had a discretion, under rule 4 of order 36, to direct a trial without a jury. The third party appeared, and did not admit any liability to indemnify the defendants, alleging that the works complained of were outside the contract, and were executed under the direction of the defendants' architect. KAY, J., directed a trial with a jury. His lordship said this was essentially a common law action, and the sole reason for bringing it in the Chancery Division was the claim for an injunction. It was notorious that of late the chancery list of causes had been so heavy that it had been gone through to ascertain what cases were, from their nature, most fitted for trial in the Queen's Bench Division, and they had been transferred accordingly. If this were to be done again, the present case would most certainly be so treated. Any preliminary legal questions could be decided by the presiding judge, and, if necessary, no question would be left to the jury. The judge would also be able to deal with any unnecessary costs which might have been caused by the action having been commenced in the Chancery Division. On the defendants' summons for directions, his lordship decided that, if the third party admitted his liability, he was to have leave to defend the action. If not, he was to have leave to appear and take such part therein as the judge might allow, and be bound by the result, and his lordship directed that the question of his liability to indemnify the defendants was to be tried in the action.—SOLICITORS, *Lewis Heritage; Tatham & Pym; G. Davis.*

R. S. C., 1883, ORD. 17, RR. 4, 5—ADDING PARTIES—INFANT SUBSEQUENTLY BORN—INTERMEDIATE PROCEEDINGS BETWEEN BIRTH AND OBTAINING ORDER—SUPPLEMENTAL ACTION.—In the case of *Peter v. Peter*, before Chitty, J., on the 16th inst., the question arose on an adjourned summons whether ord. 17, r. 4, as to adding parties on devolution or transmission of interest, or by reason of any person coming into existence after the commencement of a cause or matter, was applicable to cases where proceedings had been taken subsequently to the birth of an infant and before obtaining the order, or whether the proper course of procedure was by supplemental action. It appeared that a suit was instituted in 1875 by

bill for the administration of the real and personal estate of a testator, by whose will real estate was given to the defendant for life, with remainder in tail male to his sons and daughters successively according to seniority. Judgment was given in December, 1876. In August, 1878, the defendant married, and in July, 1879, a daughter was born. In February, 1880, the common order directing an inquiry as to proceedings since the birth of the daughter, and giving leave to continue the proceedings against her, was obtained, and subsequently proceeded upon. In May, 1882, the cause was heard on further consideration, and in September, 1882, a son was born, since which last date divers proceedings had been taken in the suit. *Capps v. Capps* (L. R. 4 Ch. 1, 17 W. R. Ch. Dig. 137); *Austen v. Hoimes* (17 W. R. 900, L. R. 4 Ch. 448), and *Haldane v. Bekford* (W. N., 1879, p. 80), were cited, in which last case Bacon, V.C., had said that, if any proceedings had been taken since the birth of the child, he should have considered a supplemental order necessary. CHITTY, J., said that a common order made under ord. 17, r. 4, adding the infant born in 1882, would not operate so as to bind the infant in respect of proceedings during the period between his birth and the obtaining of the order. Such proceedings had been taken in the absence of an interested person, and it was contrary to first principles of justice to say that such a person was bound by proceedings to which he was not made a party. The present rule certainly contained words which were not found in the Chancery Procedure Act, 1862 (15 & 16 Vict. c. 86), s. 88—viz., "or by reason of any person coming into existence after the commencement of the action." But the additional words were only inserted by way of greater precaution, so as to show that the common order could be obtained so as to bind a person so coming into existence. The effect of their insertion could not, however, be said to bind the infant as to proceedings taken between his coming into existence and the obtaining of the order. This could be further seen from ord. 17, r. 5, making such a person bound only from time of service of the order. Thus, in the present case, had the order been obtained and served immediately subsequent to the birth of the infant, the infant would have been bound by all the proceedings. As the case stood, a supplemental action was necessary to bind him with respect to the proceedings between the period of his birth and the obtaining of the order. His lordship added that he thought the decision and observations of Bacon, V.C., in *Haldane v. Bekford* to be well founded, and the dicta of the Vice-Chancellor given there to be applicable to the present case.—SOLICITORS, *Coode, Kingston, & Cotton, for Coode, Shilton, & Co., St. Austell's, Cornwall.*

R. S. C., 1883, ORD. 25, R. 4; ORD. 18, R. 1; ORD. 16, R. 4—PROCEEDINGS IN LIEU OF DEMURRER—FRIVOLOUS OR VEXATIOUS ACTION—STAYING PROCEEDINGS OR DISMISSING ACTION—SOLICITOR MADE PARTY FOR DISCOVERY OR COSTS ONLY—JOINDER OF CAUSES OF ACTION—ACTION AGAINST DISTINCT DEFENDANTS.—In a case of *Burattall v. Beyfus*, before the Court of Appeal, on the 19th inst., a question arose as to the exercise of the power given to the court by rule 4 of order 25. Rule 1 of order 25 provides that "no demurrer shall be allowed." And, by rule 4, the court or a judge may order any pleading to be struck out, on the ground that it discloses no reasonable cause of action or answer, and, in any such case, or in case of the action or defence being shown by the pleadings to be frivolous or vexatious, the court or a judge may order the action to be stayed or dismissed, or judgment to be entered accordingly, as may be just. Some solicitors were made defendants to the action for the sole purpose, as the court held, of obtaining from them discovery or costs. The solicitors applied to the court for an order dismissing the action as against them, and Kay, J. made the order. His decision was affirmed by the Court of Appeal (Lord SALMON, C., and CORROSE, L.J.), who held that the solicitors ought not to be made parties to an action for such a purpose, and that the action was rightly dismissed as against them as frivolous and vexatious. Their lordships also decided that rule 1 of order 18, taken in conjunction with rule 4 of order 16, does not entitle a plaintiff to join in one action two distinct causes of action against two distinct defendants. The distinct causes of action must be against the same defendant.—SOLICITORS, *Stevens, Dawkins, & Stevens; J. Balfour Allen.*

### JUDGES' CHAMBERS.\*

#### QUEEN'S BENCH DIVISION.

(Before FIELD, J.)

Feb. 15.—*Bond v. Freke.*

Lessor and lessee—Relief from forfeiture—Conveyancing Act, 1881, s. 14, sub-section 2.

This was an application for relief under section 14, sub-section 2, of the Conveyancing Act, 1881, by the defendant in an action brought against him by his lessor to enforce a right of re-entry, under a proviso in the lease, for a breach of a covenant to keep in repair the premises thereby demised. The rent reserved by the lease, of which there were thirty years to run, was £60; and the premises were let at the time of action brought at a rent of £90. A notice to repair, in accordance with section 14, sub-section 1, of the Act had been given to the lessor.

*Baugh Allen*, for the defendant.—A trifling breach is admitted, but the defendant has now done all the necessary repairs, and, if not, is willing at once to do any further repairs. A letter stating this was written by the defendant to the plaintiff. Instead of accepting the offer, the plaintiff commenced this action. It is submitted that the defendant should not

\* Reported by A. H. BRITTON, Esq., Barrister-at-Law.



pay the costs of it, and that he should have relief without any terms being imposed.

*R. G. Arbuthnot*, for the plaintiff.—As the defendant had neglected for two years to do these repairs the plaintiff could not rely on his letter, and it was necessary to bring this action to obtain binding terms. The defendant should be ordered to put the premises in a state of repair to the satisfaction of the plaintiff's surveyor, Daniel Jones; to pay the two quarters' rent in arrear at once; to pay the costs of this action as between plaintiff and client; and to pay the expenses of two journeys of the plaintiff from his residence at Kew to see these premises at Cardiff.

*FIELD, J.*—I shall not order the defendant to pay costs as between solicitor and client, or the costs of the plaintiff's journeys. I will make the order for relief upon the following terms:—Defendant to execute any repairs not completed in accordance with covenant under superintendence of Daniel Jones; to pay all rent in arrear and costs of action, and any reasonable expense incurred in making the surveys of August 25, 1883, and January and February, 1884.

Solicitor for the plaintiff, *I. H. Wrenmore*.

Solicitors for the defendant, *Williamson, Hill, & Co.*

Feb. 18.—*Flower v. Todd and another.*

Third-party directions—Co-defendant as third party—Ord. 16, rr. 52, 55.

This was an application by the defendant, *R. D. Todd*, on appeal from the refusal of Master Walton to give directions under ord. 16, r. 52.

The action was brought for commission agreed to be paid to the plaintiff upon his introducing a partner into the defendants' firm to take the place of *R. D. Todd*. The defendant, *R. D. Todd*, obtained leave to serve a third-party notice upon the defendant, *G. G. Todd*, claiming to be indemnified by him against liability in respect of the plaintiff's claim, on the ground that *R. D. Todd* had retired from the partnership, and, by the deed of dissolution executed by *R. D. Todd* and *G. G. Todd*, *G. G. Todd* agreed to indemnify *R. D. Todd* against all liabilities of the partnership. The plaintiff had obtained an order for judgment under order 14 against *R. D. Todd*; *G. G. Todd* had obtained leave to defend, having paid money into court.

*W. Graham*, for the defendant, *R. D. Todd*.—The master refused to give any directions, on the ground that the third party was already a defendant in the action, and directions were therefore unnecessary. But rule 55 of order 16 expressly provides that the same procedure is to be adopted where a co-defendant is made a third party as if he were a third party simply.

On behalf of the defendant, *G. G. Todd*, it was objected that, as there had been an order for judgment in favour of the plaintiff against *R. D. Todd*, the latter was no longer a defendant in the action, and ought not to be allowed to remain in practically only as a plaintiff; and that, where judgment under order 14 had been signed against the defendant, the latter part of rule 51 of order 16 showed that no directions ought to be given unless the defendant was entitled to judgment against the third party.

On behalf of the plaintiff, no objection was made to directions being given.

*FIELD, J.*—If no directions were to be given, and the defendant, against whom judgment has been signed, was to be dismissed from the action, he would have to bring his action against the other defendant, who has been served with a third-party notice in this action. The very object of these rules as to third-party procedure was to prevent the necessity for two trials in such a case.

Order:—That the question of the liability of *G. G. Todd* to the claim for indemnity by *R. D. Todd* be tried as between them at the trial of this action.

Solicitor for the plaintiff, *T. J. Angell*.

Solicitor for the defendant, *R. D. Todd*, *W. Negus*.

Solicitors for the defendant, *G. G. Todd*, *Greaves & Todd*.

Feb. 19.—*McIlroy v. Duncan and others.*

Interrogatories—Mode of objecting to—Summons to set aside—Ord. 31, rr. 6, 7.

This was an application, referred by the master to the judge, to set aside eight out of eleven interrogatories delivered by the defendant to the plaintiff, on the ground that they had been exhibited unreasonably and vexatiously, and were not confined to the cause of action disclosed in the claim.

The action was brought to recover certain patents, stock, &c., sold by the plaintiff to the defendants under an agreement alleged to have been entered into by him through the fraudulent misrepresentation of the defendants, and for damages for the misrepresentation. The defendants had obtained an order to deliver interrogatories to the plaintiff, such interrogatories to be confined to the cause of action disclosed in the statement of claim and particulars.

*T. Wiles Chitty*, for the plaintiff.—The master referred this summons because the leave to administer these interrogatories had been given by a judge. The interrogatories objected to have nothing to do with the cause of action disclosed in the claim; and they are altogether unnecessary and irrelevant. The first interrogatory is, "State when and of whom each of the articles of furniture, stock, &c., mentioned in your particulars of damages, were bought, and the price which you gave for each of them." Rule 7 of order 31 says that any interrogatories may be struck out, on the ground that they are (*inter alia*) oppressive or unnecessary.

*FIELD, J.*—The judge decides nothing as to the specific interrogatories

in giving leave to interrogate, but only that a case is shown for interrogating; so the master might have dealt with this without any danger of a conflict of opinion between himself and the judge. I am asked to set aside eight of these interrogatories, on the ground that they have been exhibited unreasonably and vexatiously. That is under rule 7 of order 31; but that only applies to cases where interrogatories should not have been exhibited at all, and then only in the cases where leave is not obtained to exhibit them. Then I am asked to strike them out, on the ground that they are not confined to the cause of action disclosed in the claim or particulars, and have not, therefore, complied with the order giving leave to interrogate. But the objection that any particular interrogatory is improperly administered or is irrelevant must be taken in the affidavit in answer. That is the intention of these rules. These objections come within the 6th rule, not within the 7th rule. It cannot be said that the interrogatories are prolix, oppressive, or scandalous; nor are they unnecessary within the meaning of that rule. If they are unnecessary because they are irrelevant, that is an objection to be taken under rule 6 in the answer.

No order; costs defendant's in any event.

Solicitor for the plaintiff, *J. Vernon Musgrave*.

Solicitors for the defendant, *Wilkins, Blyth, & Dutton*.

*Campbell and others v. Lord Poulett and others.*

Discovery of documents—Application against five plaintiffs—Amount of deposit for costs—Ord. 31, r. 28.

A single deposit of £5 is sufficient before an application for an order for discovery of documents is made against several co-plaintiffs.

This was an appeal by the plaintiffs from a master's order for discovery of documents.

The action was brought by five several shareholders in a company to recover money paid by them respectively for shares alleged to have been subscribed for by them on the faith of misrepresentations made by the five defendants, who were directors of the company. Before the application for discovery, the defendants paid into court one sum of £5.

On behalf of the plaintiffs, it was contended that a sufficient deposit had not been paid into court by the defendants, within ord. 31, r. 28, to entitle them to an order for discovery of documents; that there must be a distinct deposit in respect of each of the five plaintiffs from whom discovery was sought; that the plaintiffs would have to make separate affidavits as to documents; and that the case was governed by *Smith v. Reed and others* (*ante*, p. 84), in accordance with which the plaintiffs had had in the present case to make five deposits in respect of five sets of interrogatories delivered to the defendants.

On behalf of the defendants, it was contended that this was only one application for discovery, and was not within the decision in *Smith v. Reed and others*.

*FIELD, J.*—I think the master's decision was right. The plaintiffs are entitled, under order 16, to join in suing these directors, as they have done; and an application is now made by the defendants that they should be ordered to give discovery of documents. In *Smith v. Reed* I held that the plaintiff must make a separate deposit in respect of each set of interrogatories that he delivered; but here the defendants are making one application against all the plaintiffs, and the same reasons do not apply.

Appeal dismissed; costs in the cause.

Solicitor for the plaintiffs, *C. Jerome*.

Solicitors for the defendants, *Lewis & Lewis*.

## CASES OF THE WEEK.

**MARRIED WOMAN—POLICY OF INSURANCE ON LIFE OF HUSBAND—MARRIED WOMEN'S PROPERTY ACT, 1870, s. 10.**—In a case of *Newman v. Belsten*, before the Court of Appeal, on the 14th inst., a question arose as to the effect of section 10 of the Married Women's Property Act, 1870, which provides that "a policy of insurance effected by any married man on his own life, and expressed upon the face of it to be for the benefit of his wife, or of his wife and children, or any of them, shall enure and be deemed a trust for the benefit of his wife for her separate use, and of his children, or any of them, according to the intention so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband or to his creditors, or form part of his estate." Section 11 of the Married Women's Property Act, 1882, contains a provision substantially to the same effect. The action in the present case was brought by a creditor to administer the estate of an intestate, who had died insolvent. His widow claimed a sum of £900, which had been received from an insurance company, which shortly before his death had accepted a proposal made by the intestate for an insurance upon his life to that amount. The proposal had been made through an agent of the company, to whom the first premium had been paid, but no policy had been completed before the death of the intestate. Neither the written proposal for the insurance, nor the agent's receipt for the first premium, contained any statement that the policy was to be effected for the benefit of the intestate's wife, nor any reference to the Act. But there was evidence that the intestate told the agent that the policy was to be for the benefit of his wife under the Act, though the agent omitted to communicate this fact to the company. There was also evidence that the intestate had told several persons of his intention to effect the insurance

for the benefit of his wife, and that he had, after he had paid the premium, told several persons (among others his wife) that he had effected the insurance for her benefit. Under these circumstances, Pearson, J., held that the widow was entitled to the £200 which had been paid by the insurance company, and this decision was affirmed by the Court of Appeal (COTTON, and LINDLEY, L.JJ.). COTTON, L.J., said that the real contract between the testator and the company was to insure his life for the benefit of his wife, and if that contract had been carried out by the issue of a policy, the policy must have been issued in that form. The policy money must be considered as held by the administrator on the same terms as if the contract had been completed by the issuing of a policy. LINDLEY, L.J., said that the contract with the company was partly in writing and partly verbal. The money must be treated as received by the administrator to the use of the widow.—SOLICITORS, *Newman, Paynter, & Gould; T. D. & W. H. Pettiver.*

**TITLE DEEDS—CUSTODY—TRUSTEE IN BANKRUPTCY.**—In a case of *Ex parte Rogers*, before the Court of Appeal, on the 15th inst., a question arose as to the right of a trustee in bankruptcy to the title deeds of land of which the wife of the bankrupt was tenant for life, not to her separate use. The trustee desired to sell the life interest, and then hand over the deeds to the purchaser, if he could find one, and he applied to the county court for an order that the deeds should be delivered over to him. There was evidence that the wife was about to apply to the Divorce Court for a dissolution of the marriage, and had instructed her solicitor to do so. The judge of the county court ordered that the deeds should be placed in the custody of the registrar of the court, with liberty for the trustee or his solicitor, and for the wife or her solicitor, to inspect them at any time, and adjourned the hearing of the application *sine die*. Bacon, C.J., varied the order by adding to it liberty for the trustee to apply to the court as he might be advised. The Court of Appeal (BRETT, M.R., and COTTON, and BOWEN, L.JJ.) affirmed this decision. They said that the trustee had not an absolute right to the deeds, but the court had a discretion, and under the circumstances, the bankrupt's right being only to his wife's life estate during the coverture, it was proper that the deeds should be in court, the trustee avowing that his object was to sell the chance of keeping the life estate, and then to hand over the deeds to the purchaser of the chance. COTTON, L.J., said that he desired to be understood as not expressing any opinion whether in an ordinary case the trustee in bankruptcy of a husband would be entitled to the custody of the title deeds of property of which the bankrupt's wife was tenant for life.—SOLICITORS, *Taylor, Hoare & Co.; Torr & Co.*

**INFANT—MAINTENANCE—TRUSTEE—GUARDIAN—ACCOUNT.**—In a case of *Welsh v. Channell*, before the Court of Appeal on the 11th inst., a question arose as to the accounts to be taken in an administration action of sums expended by trustees and guardians in the maintenance of infants. The testator by his will bequeathed the residue of his estate to trustees, on trust for his three daughters, in equal shares as tenants in common. The will authorized the trustees to apply all or any part of the income of the shares of the daughters respectively for or towards their maintenance, education, or support, respectively, during minority. The trustees were also appointed guardians of the daughters. The action was brought by one of the daughters, who had attained twenty-one, to administer the testator's estate. The other daughters had also attained twenty-one. During their minority the daughters had lived with, and had been maintained by, C., one of the trustees and guardians, who was their uncle, he being permitted by H., the other trustee and guardian, to receive, or having paid to him by H., the whole of the income of the infants' shares, applying it as he thought fit for their maintenance and education. The administration judgment directed (*inter alia*) an inquiry "how and by whom each of the testator's three daughters respectively was maintained after his death, and during her infancy, and what is proper to be allowed, and to whom, from and out of the income of her share of the testator's estate, for her maintenance, education, or advancement from the time of the testator's death until she attained twenty-one." C. died before this inquiry had been answered. H. contended that, so long as the infants resided with C., and were properly maintained and educated by him, the receipt by C., as one of the guardians, of the income of the respective shares of the infants was a sufficient discharge to H. in respect of such income, and that he was not accountable for, and should not be called upon to produce any vouchers in respect of, the particular manner in which such income was applied, nor the detailed items of the expenditure thereof. Kay, J., held that vouchers must be produced, and details of the expenditure given, by H. The Court of Appeal (COTTON and LINDLEY, L.JJ.) held that, though the mere receipt of the income of the infants by C. as guardian would not be a discharge to H., who was joint guardian, it was sufficient for him to show that the infants were properly maintained and educated, and that it was not necessary for him to give an account of the details of the expenditure.—SOLICITORS, *J. & R. Gale; Sole, Turner, & Knight.*

**TRUSTEE—CARRYING ON BUSINESS—RIGHT OF CREDITOR TO PAYMENT OUT OF TRUST FUND.**—In a case of *Strickland v. Symons*, before the Court of Appeal on the 9th inst., a question arose as to the right of a creditor of a trustee, who had carried on a business for the benefit of his *cestui que trustent*, to claim payment of his debt out of the trust fund. The business of a private lunatic asylum had been carried on by a widow lady in a leasehold house. In 1867 she married again, her second husband being a medical man. Prior to the marriage a settlement was executed, by which the leasehold premises were assigned to trustees, on trust, after the intended marriage, at the request of the husband and wife during their

joint lives, and after the decease of either at the request of the survivor, and after the decease of the survivor at the discretion of the trustees, to sell the premises, and also the business of the lunatic asylum and the goodwill thereof, and to stand possessed of the proceeds of sale upon the trusts of a deed of even date. By this second deed it was declared that the trustees should hold the proceeds of sale on certain trusts for the benefit of the husband and wife and their children. And it was declared that until sale the business of the asylum might be carried on by the husband, without paying any rent other than the rent payable under the lease, he paying certain premiums. Until sale the trustees were to apply the income of the trust premises in the same manner as the income of the proceeds of sale after a sale. The deed contained no power for the trustees to carry on the business, nor was any part of the trust fund set apart for that purpose. The husband carried on the business until 1875, when he filed a liquidation petition. Upon this the defendant, the surviving trustee of the settlement, entered into possession, and carried on the business until April, 1876, when the property was sold for £18,500. The plaintiff, during the time when the trustee carried on the business, supplied him with goods for the purposes of the business, and had obtained judgment against him in an action for the price of the goods so supplied. The defendant was unable to satisfy the judgment. The plaintiff by the present action claimed to be paid the amount of his judgment debt out of the proceeds of the sale of the business, alleging that, if the defendant had paid for the goods, he would have been entitled to be indemnified out of the trust estate, and that the plaintiff was entitled to the benefit of that indemnity and to enforce it directly himself. Pollock, B. (31 W. R. 888, L. R. 22 Ch. D. 666), dismissed the action, mainly on the ground that, from the date of the filing of the liquidation petition until the sale, the assets of the business were part of the property of the husband. The Court of Appeal (LORD SALMON, C., and COTTON and FRY, L.JJ.) affirmed the decision, though on a different ground. LORD SALMON, C., said that the plaintiff had no lien on the trust fund, for lien implied possession, and there was no contract entitling him to payment out of the fund. And the case differed entirely from such cases as *Ex parte Garland* (10 Ves. 110), and *In re Johnson* (29 W. R. 168, L. R. 15 Ch. D. 548), in which a testator had directed his business to be carried on, and had appropriated a particular fund or portion of his assets to the carrying on of the business. In such cases it had been held that, in an action for the administration of the testator's estate, or in the bankruptcy of the executor or trustee, the creditors who had supplied goods for the carrying on of the business could avail themselves of the right of the trustee to be indemnified out of the appropriated fund against the costs properly incurred by them in carrying on the business, and could obtain payment of their debts directly out of the fund. But, in a case like the present, where there was no trust to carry on the business, and no fund set apart for the purpose, the question whether the trustee had properly carried it on, and was entitled to an indemnity out of the trust fund, was one entirely between himself and his *cestui que trustent*, and creditors of the trustee were not entitled to interfere in the administration of the trust fund. COTTON and FRY, L.JJ., concurred.—SOLICITORS, *Harries, Wilkinson, & Reikes; E. Smith & Co.*

**SETTLEMENT—CONSTRUCTION—POWER TO APPOINT AMONG "ISSUE" OF MARRIAGE—APPOINTMENT VOID FOR REMOTENESS—ELECTION.**—In a case of *In re Warren's Trusts*, before Pearson, J., on the 16th inst., the question arose whether a power in a marriage settlement to appoint among the "issue" of the marriage extended to grandchildren, or was to be limited to children of the marriage. By the settlement the trust funds were, after the death of the husband and wife, limited in trust for the "issue" of the marriage in such shares as the husband should by deed or will appoint, and, for want of such appointment by him, then in such shares as the wife should by deed or will appoint, and, for want of such appointment, upon trust for the issue of the marriage, if more than one in equal shares, the son or sons to be entitled to his or their share or shares on attaining twenty-one, and the daughter or daughters on attaining twenty-one or marriage, with benefit of survivorship among the issue; or, if there should be but one child issue of the marriage, or, if more than one, all but one should die without becoming entitled, then in trust for such only or surviving child at the time thereinbefore limited; and, in case there should not be any issue of the marriage, or all such issue should die without having become entitled to their respective shares, then upon other trusts. The husband did not exercise the power of appointment given to him. The wife survived him, and by her will she appointed part of the trust funds to the children of W., a deceased son of the marriage, on their attaining twenty-one, and she appointed another part of the funds on trust for E., a son of the marriage, for his life, with remainder to his child or children who should attain twenty-one, in equal shares. Two questions arose (1) whether the power authorized the appointment to the children of the son W.; (2) the appointment to the children of the son E. being void for remoteness, whether the persons who were entitled in default of appointment were bound to elect between their interests under the settlement in default of appointment, and certain benefits which the testatrix had by her will given to them in property belonging to herself and not subject to the settlement. PEARSON, J., held that the word "issue" in the power of appointment was not to be restricted to children, but was to be read in its widest sense, which would include grandchildren. Looking at the power alone there would be nothing irrational in so construing it, and nothing was more common than for a marriage settlement to enable the husband and wife to appoint to remoter issue of the marriage, if born within the legal limit of time. Indeed, it was not necessary that this should be expressed in the power; it would be validly exercised if the appointment was in fact made to remoter issue born within the legal limit of time. It was



said that the gift in default of appointment showed that the word "issue" was used in the restricted sense of "children," and that it ought to be construed in the same way in the power. His lordship could not see any *a priori* necessity for restricting the meaning of the word "issue" in the power of appointment, because it was so restricted in the gift in default of appointment. It might well be that only children were to take if no appointment was made, but that a wider discretion was given to the husband and wife in the power of appointment. His lordship thought that there was no inconsistency, but that he was giving a rational interpretation by construing "issue" in its widest sense in the power. He was not bound to restrict the meaning of the word, unless not to do so would involve a plain inconsistency, or would defeat the manifest intention of the parties. He did not think he was bound by any of the authorities to restrict the meaning of the word "issue" in the former clause, merely because it was to be restricted in the latter clause, and he thought it was the most rational construction that the power was intended to enable a provision to be made for grandchildren or great-grandchildren. And he was of opinion that no case of election could arise with reference to the invalid appointment to the children of the son E. The appointment being void by law, the will must be looked at as if the appointment was not to be found in it at all.—SOLICITORS, *Gosling, Ingleby, & Boak; Aldridge.*

**UNDERGROUND WATER—RIGHT OF USER—POLLUTION OF WELL—INJUNCTION.**—In a case of *Ballard v. Tomlinson*, before Pearson, J., on the 13th inst., a question arose as to the right of the owner of a deep well to prevent the owner of a similar adjoining well from polluting the water in his well. The plaintiff and the defendant were adjoining landowners, and each of them had on his land a deep well, sunk to the depth of 300 feet below the surface of the ground, the boring in each case going through the London clay into the subjacent water-bearing strata of sand and chalk. The wells were about 99 yards apart. The plaintiff, who was a brewer, used the water of his well for brewing purposes; the defendant did not make use of the water from his well, but he had turned a sewer into it, and the plaintiff complained that the sewage matter thus introduced found its way to the bottom of the well, thence into the water-bearing strata from which the water supply of the plaintiff's well was derived, and thus polluted the water which came to the plaintiff's well. And he claimed an injunction to prevent this pollution. The two wells were at nearly the same level, and the defendant alleged that the polluting matter from his well would not find its way into the plaintiff's but for the fact that the plaintiff pumped the water out of his well, and thus induced a flow of water from the defendant's well to fill up the place of the water which was pumped away. PEARSON, J., held that the plaintiff had no cause of action. He said that it was well settled that any person might, on his own land, so deal with the water which he found there, in undefined underground channels, as to divert it from his neighbour's land, and so deprive his neighbour of every drop of water coming from the same source. He could not see why, if the defendant was at liberty to take away the whole of the water, and deprive the plaintiff of it altogether, the plaintiff had any greater right to the quality of the water than to the quantity. The plaintiff had a right to the subterranean water when it came to him, but he had no right to complain that his neighbour had changed the character of it.—SOLICITORS, *G. H. K. & G. A. Fisher; Wright & Piley.*

**COSTS—ADMINISTRATION—ACTION BY RESIDUARY LEGATEE—INSUFFICIENT ESTATE—COSTS BETWEEN SOLICITOR AND CLIENT.**—In the case of *Re Harvey, Wright v. Woods*, before Chitty, J., on the 16th inst., an action for the administration of a testator's estate having been brought by the residuary legatee, and the estate being insufficient to pay legacies in full, the question arose whether the parties were entitled to costs as between solicitor and client. SETON on Decrees, 4th ed., p. 575, and the cases there cited, were referred to. CHITTY, J., held that they were so entitled.—SOLICITORS, *Davidson & Morris; Gregory, Kewcliffe, & Co.*

**TAXATION—BILL OF COSTS—SOLICITORS ACT, 1843 (6 & 7 VICT. c. 73), ss. 36, 41—THIRD-PARTY CLAUSE—LAPSE OF TWELVE MONTHS AFTER PAYMENT.**—In a case of *In re Smith, Symes, & Smith*, before Chitty, J., on the 18th inst., a question arose as to whether the lapse of twelve calendar months after payment of a solicitor's bill of costs precludes taxation under the third-party clause of the Solicitors Act, 1843, s. 38. A summons was taken out on the 22nd of June, 1882, by a third mortgagee to tax the bill of costs of the solicitors of the first mortgagees. The bill had been delivered on the 19th of April, 1881, and paid by the second mortgagee on the 21st of April following. CHITTY, J., said that Lord Langdale, M.R., had this question before him in the case of *In re Massey* (8 Beav. 458), which was decided in the year 1845. That case decided that section 41 of the Solicitors Act, 1843, which enacts that applications for taxation after payment must be made within twelve calendar months after payment, applies to applications under the third-party clause. It would now be too late to re-consider the question, but if his lordship had to give his opinion he should say that that decision was right, and the only decision which could be arrived at on the matter. It had got into well-known text-books, such as Seton on Decrees and Morgan and Davey on Costs, and had been acted on for many years. There was a case of *In re Dawson* (8 W. R. 554) which appeared to be inconsistent with *In re Massey*. But that case was reported very shortly, and it appeared that the attention of Romilly, M.R., had not been called to section 41 of the Act or to the case of *In re Massey*. There had apparently been an oversight, and the decision could not be upheld against the decision of Lord Langdale in *In re Massey*. The summons must, therefore, be dismissed, with costs.—SOLICITORS,

*G. H. Carthew, for J. Scarle, Creditor; Guscotte, Wadham, & Dow, for Smith, Symes, & Smith, Creditor.*

**SOLICITOR AND CLIENT—PURCHASE OF MORTGAGES FOR CLIENT—RATE OF INTEREST TO BE ALLOWED.**—In a case of *MacLeod v. Jones*, before Pearson, J., on the 19th inst., the question arose as to what rate of interest ought to be allowed to a solicitor, who had bought up various mortgages, which his client had given to various mortgagees upon a life interest belonging to him, upon the amounts which he had expended in so doing. The solicitor made the purchases with the knowledge and at the request of the client, and took transfers of the mortgages to himself. He paid for the securities smaller sums than the amounts actually due upon them by the client. Before making the purchases he obtained from the client a mortgage to secure the payment of the costs which he might incur in negotiating the purchases. This mortgage deed contained a clause providing that the solicitor should not be precluded from retaining for his own benefit the profit or difference which he might make by purchasing the securities at less than the actual amount due thereon from the client. Notwithstanding this clause, the Court of Appeal held, *MacLeod v. Jones* (L. R. 24 Ch. D. 289), that, by reason of the fiduciary relation between the solicitor and the client, the former must be taken to have bought the securities as a trustee for the latter, and could hold them only as security to himself for the amount of the sums expended by him in making the purchases. The question now arose what rate of interest the solicitor should be allowed on the amount expended by him. PEARSON, J., said that there was no rigid rule of the court that in such cases only four per cent. could be allowed; the rate of interest was in the discretion of the court. And, having regard to the circumstances, his lordship thought that the solicitor ought to be allowed interest at five per cent.—SOLICITORS, *A. Jones & Co.; Morice, Toller, & Blakesley.*

**TRUSTEE—BREACH OF TRUST—PRIMARY LIABILITY OF ONE TRUSTEE AS BETWEEN HIMSELF AND THE OTHERS.**—In a case of *Belemore v. Watson*, before Pearson, J., on the 30th ult., a question arose as to the primary liability of one trustee, as between himself and his co-trustees, for a breach of trust for which, as between the trustees and the cestuis que trustent, all the trustees were jointly and severally liable. The action was brought by a wife, who was the tenant for life under the trusts of a marriage settlement, against the trustees, claiming a declaration that they were jointly and severally liable for a breach of trust in investing a part of the trust funds upon an insufficient security. There were three trustees, one of whom was the father of the wife, and the trust funds were, in the first instance, invested in Colonial Government securities. There was power to invest on mortgage of freehold estate, and the securities were afterwards sold out, and the proceeds of sale were invested by the trustees upon a mortgage of a farm, which turned out to be an insufficient security. The trustees admitted their liability to make good the loss; but, as between themselves, the other two claimed to be indemnified by the wife's father, who had taken the active part in the management of the trust, alleging that, when he obtained the sanction of his co-trustees to the investment upon the mortgage, he had not given them the information which he himself possessed, or afforded them means of judging whether or not the security was sufficient. PEARSON, J., declined to make the wife's father primarily liable. The contention of the other trustees was that he was the acting trustee and took upon himself the management of the trust property, and that they, knowing his experience in business, and that he was interested in securing the property of his daughter, left the matter in his hands. On the evidence his lordship came to the conclusion that there had been no misrepresentation made of the facts, so far as they were known to the father, who had himself personally inspected the farm and had taken considerable trouble in ascertaining its value. The information given to the other trustees was sufficient to have put them upon further inquiry, if they had felt any doubt about the propriety of the transaction. There could be no doubt that if one trustee invested the trust property without communicating to his co-trustees any facts which might render the security insufficient, that trustee would be primarily liable; but it certainly was not the course of the court that, when one trustee communicated fairly such information as he had obtained, believing it to be true, he should be made liable for the whole of the loss. The father was, no doubt, desirous of obtaining a better interest upon the money belonging to his daughter, but that was not a sufficient reason for punishing him, and there was no reason to suppose that he did not take such means for ascertaining the value of the investment as appeared to him to be sufficient. Upon the evidence his lordship came to the conclusion that the father could not be rendered liable to a greater extent than the other trustees.—SOLICITORS, *Newman, Stretton, Hilliard, & Co.; J. W. Sykes; G. Holden.*

**MARRIAGE SETTLEMENT—FAILURE OF CONSIDERATION—RESCISSION OF CONTRACT TO MARRY—AVOIDANCE OF SETTLEMENT.**—In a case of *Essey v. Coultard*, before Pearson J., on the 2nd inst., a question arose as to setting aside a marriage settlement, on the ground that the consideration for its execution had failed. The settlement was of a sum of Consols, the property of the intended wife. It was expressed to be in consideration of the then intended marriage, and the trusts declared were in favour of the wife, the husband, and the issue of the then intended marriage, with the ultimate limitations usual in the case of a settlement of personal estate belonging to the wife. The intended marriage never took place, but soon after the execution of the deed the parties cohabited without marriage, and several children were born. The action was brought by the (quasi) wife and husband against the trustees, claiming a declaration that the

lady was entitled to the fund, and an order that the defendants should transfer it to her. *PEARSON, J.*, made the order. He said that the deed was made in consideration of the marriage then in contemplation, and it was intended to provide for the benefit of the husband, the wife, and the issue of that marriage. Under it all the issue of the marriage would have been entitled. If the father and mother were now to marry, and the deed was to take effect as their marriage settlement, their intention of providing for all their issue would be defeated. Under the circumstances, he felt at liberty to hold that the contract to marry had been definitively and absolutely put an end to, that there was no longer any consideration for the deed, and that the trusts were at an end.—*SOLICITORS, W. F. Turn; Coward & Chown.*

**SOLICITORS' REMUNERATION ACT, 1881 (44 & 45 VICT. c. 44), s. 2—GENERAL ORDER IN PURSUANCE OF THE ACT, s. 2—CONVEYANCING BUSINESS IN AN ACTION—COSTS.**—In a case of *Stanford v. Roberts*, before *KAY, J.*, on the 14th inst., a question arose as to the application of the Solicitors' Remuneration Act, 1881, and the General Order made thereunder, to conveyancing business transacted in an action. In taxing a bill of costs in the action, the taxing master had disallowed certain charges for conveyancing matters, which had been made in accordance with the scale in the schedule to the General Order, on the ground that that scale was not applicable to conveyancing business transacted in an action, and that such charges as were formerly allowed in conveyancing matters could alone be made. A summons was taken out to review this taxation. *KAY, J.*, said that the Act of Parliament was not easy to construe. The strictly grammatical sense of section 2 of the Act would seem to include conveyancing business even though transacted in an action, confining the words "not being business in an action" to the immediate antecedent "other business." But then the General Order followed the words of the Act, and professed to lay down a scale for the remuneration of solicitors in respect of certain conveyancing matters and "other business not being business in any action;" and yet there was nothing contained in the schedules except business which was, strictly speaking, conveyancing business. In the case of an ambiguous document the court was bound to look at the reason of the thing, and his lordship saw no reason why a solicitor should be paid less remuneration for a deed settled in an action than for one settled without any litigation. His lordship therefore construed the Act as referring to conveyancing matters which take place in an action as well as to those not in an action, and the matter was accordingly referred back to the taxing master to tax according to the scale under the Act.—*SOLICITORS, Day & Cather; Senior, Attres, & Johnson, for Hunt, Currey, & Nicholson, Lewes.*

#### COUNTY COURTS.

##### MANCHESTER.

(Before *J. A. Russell, Esq., Q.C., Judge.*)  
Feb. 5.—*Re Aitken.*

This was an issue between the trustee of *George Taylor Aitken*, bankrupt, and *John Leather Stelfox*, a money-lender, in which the trustee affirmed, and the defendant denied, that a certain agreement, made on the 25th of July between the defendant and the bankrupt, was a bill of sale, and void as against the plaintiff. A second issue in the case was whether the trustee was entitled to certain goods referred to in the document in question, and that without paying the defendant the moneys which the defendant alleged he had advanced to the bankrupt on that security, or any set-off for such moneys.

The plaintiff, being in want of money, and having got upon credit a quantity of goods, in respect of which he was subsequently prosecuted and convicted, went to *Stelfox* and asked him to advance £150 upon the goods. The defendant promised £120 upon the goods, less £12 interest, the loan to be repaid in a month. The plaintiff was also to pay a half-penny in the shilling per week if the loan ran over its time. This was, the defendant explained when placed in the witness-box, at the rate of between 120 and 130 per cent. per annum. The goods were sent by the defendant in his own name to the storage warehouse of *Mr. Carter*, in *Grosvenor-street*, and he received a certificate from the warehouse keeper. Later on, he offered the goods for sale, advertising them in the newspapers.

*Taylor*, for the trustee, argued that the goods were received by the defendant under a bill of sale, and that, as that bill of sale was not registered, nor attested, it was so much waste paper. It was the very object of the Act of 1882, he maintained, to put an end to cases in which a bill of sale was not registered and published, so that all a man's creditors could know of it.

*Tates*, for the defendant, argued that the case did not come under the Bills of Sale Act at all, as that Act did not apply to any case except where goods were left in the possession of the assignor, enabling him to get credit on the strength of those goods. The agreement came to was just in the terms of an ordinary letter of hypothecation.

His Honour held that the agreement between the bankrupt and the defendant was a bill of sale, and that, under the 8th section of the Bills of Sale Act, 1882, it was void. Judgment was therefore given for the plaintiff on both issues.

We are informed that legal proceedings have been commenced on behalf of certain members of the Incorporated Law Society, for the purpose of taking the opinion of the court upon points of law in regard to the bearing of the charters of the society upon what are commonly known as the Law Club questions.

## SOCIETIES.

### ASSOCIATED PROVINCIAL LAW SOCIETIES.

The following list of the Associated Provincial Law Societies, corrected to February, 1884, may be useful:—

NAME OF SOCIETY.	SECRETARY.	SECRETARY'S RESIDENCE.
1. Bath (42)	J. A. Timmins	Bath (founded 1858).
* 2. Birmingham (233)	Arthur Godlee	Birmingham (founded 1818).
* 3. Bolton (51)	James Watkins	Bolton (founded 1836).
* 4. Bristol (120)	{ W. H. Clarke and H. N. Abbot }	Bristol (founded 1870).
5. Cambridgeshire (55)	{ J. Bonnett and H. W. H. Rance }	Cambridge (founded 1871).
6. Dorsetshire (50)	A. Pope	Dorchester (founded 1835).
7. Durham (South) & North Yorkshire (45)	A. Buchannan	Guinborough (founded 1874).
8. Gloucestershire (89)	E. W. Coren	Gloucester (founded 1817).
9. Herefordshire (42)	C. D. Andrews	Leominster (founded 1882).
* 10. Hull (74)	Jas. T. Woodhouse	Hull (founded 1818).
11. Kent (114)	C. A. Case	Maidstone (founded 1818).
* 12. Leeds (83)	T. Marshall	Leeds (founded 1806).
* 13. Lincolnshire (52)	W. B. Danby	Lincoln (founded 1881).
* 14. Liverpool (281)	F. M. Hull	Liverpool (founded 1827).
* 15. Manchester (194)	Ed. Boutflower	Manchester (founded 1838).
* 16. Newcastle (103)	T. G. Gibson	Newcastle-on-Tyne (founded 1826).
* 17. Nottingham (109)	Arthur Williams	Nottingham (founded 1875).
18. Preston (54)	W. Banks	Preston (founded 1834).
* 19. Sheffield District (120)	Herbert Bramley	Sheffield (founded 1875).
20. Somersetshire (48)	J. H. B. Pinchard	Taunton (founded 1796).
* 21. Sunderland (46)	R. C. Nelson	Sunderland (founded 1871).
22. Sussex (60)	J. W. Howlett	Brighton (founded 1860).
* 23. Swansea and Neath (35)	F. J. Carlyle	Swansea (founded 1878).
* 24. Wakefield (36)	C. A. Wilkin	Wakefield (founded 1874).
25. Wolverhampton (55)	A. Whitehouse	Wolverhampton (founded 1847).
* 26. Worcestershire (59)	F. R. Jeffery	Worcester (founded 1841).

\* These societies are incorporated under the Companies Acts, 1862 to 1880.

The figures in brackets denote the number of members of each society in February, 1884, except in the case of No. 21.

The following country law societies are not members of the association:—

NAME OF SOCIETY.	SECRETARY.	SECRETARY'S RESIDENCE.
1. Anglesea and Carnarvonshire (20).	C. A. Jones	Carnarvon (founded 1873).
* 2. Bradford (54)	{ J. Tanner Ray and W. B. Gordon }	Bradford, Yorkshire (founded 1876).
3. Bury (16)	S. F. Butcher	Bury (founded 1881).
4. Carlisle (16)	John Hodgson	Carlisle (founded 1831).
5. Chester and North Wales (67)	C. W. Duncan	Chester (founded 1881).
6. Devon and Exeter (64)	A. E. Ward	Exeter (founded 1808).
* 7. Dewsbury (33)	{ J. Ibberson and J. H. Simpson }	Dewsbury (founded 1883).
* 8. Huddersfield (55)	{ J. H. Dransfield and C. Hall }	Huddersfield (founded 1881).
9. Lancaster (19)	Lawrence Holden	Lancaster (founded 1838).
10. Leicester (90)	W. Simpson, junr.	Leicester (founded 1860).
* 11. Northampton (24).	{ J. B. Hensman and Thos. Green }	Northampton (founded 1879).
12. Plymouth (33)	James Loye	Plymouth (founded 1815).
13. Scarborough (23)	W. H. Fowler	Scarboro' (founded 1880).
14. Shropshire (48)	T. H. Hignett	Shrewsbury (founded 1876).
15. Stockport (19)	G. L. Vaughan	Stockport (founded 1875).
16. Yarmouth (16)	F. Danby Palmer	Great Yarmouth (founded 1883).
17. Yorkshire (86)	F. Munby	York (founded 1796).



\* These societies are incorporated under the Companies Acts, 1862 to 1880.

The figures in brackets denote the number of members of each society in February, 1884.

The list is corrected to the same date.

#### NOTTINGHAM INCORPORATED LAW SOCIETY.

The ninth annual meeting of this society was held on the 30th ult. in the Grand Jury Room at the Town Hall. The chair was occupied by the president (Mr. R. H. SPEED), and there were present a large number of solicitors.

The President, after some introductory observations, said that a considerable portion of the report was devoted to a subject of very great interest—viz., the constitution of district courts in the country for the transaction of the business of the High Court of Justice. He was not in a position to inform them that the proceedings which their council had thought well to adopt had been attended with any very marked results, but perhaps they would agree with him that it need not be a matter of great surprise. When they had had a new palace of justice built at very great expense by the nation, in which it might be thought possible to transact the whole of the law business of the country, and when the new mode of procedure had been contrived and put into execution, the authors or compilers of which might entertain a reasonable hope that it would effect very great changes and give satisfaction to the country, in regard to the administration of justice, perhaps that was not exactly the time when it was to be expected that another measure of a radical nature like that, having reference to the mode of transacting law business, should be favourably received by those who were in power. Nevertheless, he would say that it was considered by the council that their efforts had not been by any means valueless. They had, by their correspondence, and by a deputation to an important meeting, elicited the views of similar societies, and had also obtained a better knowledge of the sentiments of the profession in general upon these matters. He believed it to be the opinion of their council that district courts in some shape or other were a natural want, and that sooner or later they would take effect. After some observations on the report, the President said that it had been decided to make an effort to be represented on the Council of the Incorporated Law Society of the United Kingdom, and a former president, Mr. Henry Wing, had been selected. In conclusion, the President moved the adoption of the report.

Mr. WING moved, and Mr. ENFIELD seconded, the election of Mr. W. Bryan, of Mansfield, as the new president.

This was carried, and Mr. BRYAN replied.

Mr. Henry Wing was elected vice-president, and Messrs. Fred. Acton, A. Browne, R. Enfield, M. Gilbert, G. B. Rothera, R. H. Speed, H. R. Thorpe, and J. C. Warren were appointed the council of the society for the year. Mr. Arthur Williams was re-elected secretary, and Mr. J. T. Ward treasurer.

Several suggestions connected with the society and the profession were made and discussed, and votes of thanks passed to the retiring officers concluded the meeting.

The following are extracts from the report of the council:—

The present number of members is 105, the number last year being 105.

**District Courts.**—The attention of the council has been given to the "Supreme Court of Judicature (District Courts) Bill," supported by the Newcastle-upon-Tyne Incorporated Law Society, and the "Continuous Sittings Bill," supported by the Liverpool Incorporated Law Society, and it being of opinion that the interests of the public and of the profession in this district would be better served by the former Bill, a deputation of two members attended a meeting of the Associated Provincial Law Societies in London, called for the purpose of considering these Bills, with instructions to support as far as possible the principle embodied in the former Bill.

The principle was to establish a branch of the High Court of Justice for *(inter alia)* a district comprising Nottingham, Derby, and Sheffield, presided over by a judge ranking next after the judges of the Supreme Court, with unlimited jurisdiction, and so securing facilities for the conduct of an action from writ to judgment in the locality in which the cause of action accrues. The principle of the Liverpool Bill provides for the continuous sitting of a judge of the Supreme Court at any place, and as often and as long as the exigency of business in such place requires.

At such meeting the principle of district courts was supported only by Nottingham and Newcastle. After considerable discussion, the following resolutions were passed:—

"1. That no scheme for facilitating the administration of justice in the provinces will be acceptable to suitors or the profession which, as a leading provision, provides for the trial of causes not included within the present or any amended jurisdiction of the county courts, before judges other than judges of the High Court.

"2. That arrangements should be made whereby, for the trial of civil actions in all divisions of the High Court, judges of the High Court should sit in the populous commercial localities in the provinces with the same constancy and dispatch as in London, so far as the requirements of the business shall from time to time suggest, and that the creation of an intermediate grade of judges for these purposes is objectionable.

"3. That adequate arrangements should be made for the conduct of chamber business in all divisions of the High Court in the provinces as in London.

"4. That the practice and procedure in the provincial centres should be that of the High Court.

"5. That the permanent localization of judges in the provinces is objectionable.

"6. That a copy of the above resolutions be forwarded to the Lord Chancellor, with the expression of the hope that her Majesty's Government may see fit to introduce a Bill for the above purposes.

"7. That the Lord Chancellor be requested to receive a deputation from the Associated Provincial Law Societies concurring in the above resolutions in support thereof."

Upon these resolutions this society refrained from voting, except as to Nos. 3 and 4, which it supported. Since this meeting the council has further considered the matter, and passed the following resolutions:—

"1. That there is urgent need of greater facilities for local administration of justice, especially in populous commercial districts.

"2. That the need can be best met by the establishment of district courts of the High Court of Justice, with unlimited jurisdiction, subject to removal on good cause shown, so that suitors may not only have more frequent opportunities of having their actions tried, but also may have ready access to a judge in matters which are interlocutory or of the nature of interlocutory, and in other respects carry on their actions locally from beginning to end.

"3. That if district courts be established, the more important part of the contentious business of the county courts (*e.g.*, their bankruptcy, equity, and admiralty jurisdiction and all actions above £20) should be transferred to the district courts, and so separated from the debt-collecting business of the county courts.

"4. That the need referred to in the 1st resolution is more urgent in matters usually assigned to the Chancery Division than in any other.

"5. That the Lord Chancellor be requested to introduce into Parliament in its forthcoming session a Bill to provide for the needs above referred to."

It is believed that the difference of opinion expressed at the London meeting will lead to further deliberations, which it is trusted will result in the adoption of a system generally acceptable to the entire profession.

**Incorporated Law Society.**—This council begs to call attention to the fact that the important counties of Nottingham, Leicester, Derby, and Lincoln, containing about 620 practising solicitors, are not, and so far as is known have never been, represented by an ordinary member on the Council of the Incorporated Law Society. Considering that so large a district may not unreasonably claim a proportion of the provincial representation, and that this society has for some years taken an active part in promoting the interests of the profession, and has more than once given way in favour of other districts, the council thinks the time has now arrived to press the claims of this district, and has therefore notified its intention to nominate at the next annual election Mr. Henry Wing (a former president of our society), and hopes that all members will make an earnest endeavour to promote his election.

#### MANCHESTER INCORPORATED LAW ASSOCIATION.

The annual general meeting of the members of the association was held on the 18th ult., when an account of the receipts and disbursements was submitted and passed, and the officers and committee were elected for the ensuing year.

The following are extracts from the report:—

**Counsel's Clerks' Fees and Refreshers.**—The committee having considered the new rules with reference to counsel's clerks' fees and refreshers, passed the following resolutions:—"That it having come to the knowledge of the committee that the clerks of some counsel are endeavouring to revive the old scale of clerks' fees, the committee think it right to inform the members of the association that, in their view, the scale of clerks' fees appointed by the new rules should be strictly adhered to. And that with reference also to the fees payable to counsel as refreshers, the committee recommend that members of the association should insist on these fees being limited to those allowed on taxation." These resolutions were printed and sent to the members of the association and other solicitors practising in Manchester, and their general adoption was urged.

**High Court of Justice Continuous Sittings Bill.**—During the past year considerable attention has been paid by the committee to the subject of providing increased facilities for the trial in Lancashire of actions in all the divisions of the High Court. The matter was brought before the Manchester Chamber of Commerce in January, 1883, and that chamber appointed an influential committee to deal with it, and to take such action as they thought desirable to secure continuous sittings of the High Court of Justice in certain populous districts. At a conference held at the Manchester Chamber, attended by representatives from this society and from the Law Society and Chamber of Commerce of Liverpool, it was resolved to send a joint deputation to the Lord Chancellor to present a memorial on the subject. The deputations were received by the Lord Chancellor, on February 15, at the House of Lords, and comprised, not only representatives from the four bodies above mentioned, but also from the corporations of Manchester, Liverpool, and Salford. Several local members of Parliament were also present. Full reports of the interview appeared in the *London Times*, as well as in the local newspapers, and attracted much public interest; and the newspaper leading articles for the most part supported the objects of the deputations. Interviews were subsequently had with the Chancellor of the Exchequer, the Home Secretary, and other members of the Government. Your committee collected particulars of cases illustrating the inconveniences and injustice to Manchester suitors arising from the present arrangements, and forwarded them to the Lord Chancellor. Your committee indulged a strong expecta-

tion that the Government would take up the question in such a way as to avoid the necessity for the Bill being brought forward by a private member, but when it was found that another Bill (that of Mr. Cowen) had been brought in, your committee, being strongly of opinion that such Bill was of an unsatisfactory character, though it aimed to meet the same grievances, determined, in conjunction with the Liverpool Law Society and the chambers of commerce, that the Continuous Sittings Bill should be introduced. Mr. Whitley, M.P., kindly undertook the charge of the Bill. Lord Claud Hamilton, Mr. Jacob Bright, Mr. Samuel Smith, Mr. Slagg, and Mr. Lewis Fry also backed it, and petitions from numerous legal and commercial associations and from corporations in Lancashire were presented in support of it. Mr. Cowen's Bill never proceeded beyond the first reading. Mr. Whitley's Bill was read a second time on the 6th of July, but in consequence of the pressure of business no further progress could be made with it. In the autumn Mr. Cowen's Bill was published (with some amendments) by the Queen's printer, and it was rumoured that this was done by authority of the Lord Chancellor, but your committee have reason to believe that no such authority has been given, and that the Bill is still that of a private member only. In view of the meeting of the Associated Provincial Law Societies to consider the subject, the Manchester and Liverpool associations determined to issue a memorandum giving their reasons for preferring Mr. Whitley's Bill to that of Mr. Cowen. It was circulated amongst the Associated Provincial Law Societies prior to the meeting which took place on the 20th of December. At that meeting a deputation attended from this society. Representatives from eleven other societies were present, and resolutions were passed by very large majorities condemning any scheme which, as a leading provision, provides for an intermediate grade of judges for the purpose of meeting the present exigency. Your committee have reason to believe that this matter is receiving the earnest attention of the Lord Chancellor, and they are not without hopes that in the ensuing session her Majesty's Government will see fit to bring in a measure practically providing the facilities which your committee, in conjunction with other bodies, have sought. In concluding this part of the report, the committee feel bound to acknowledge the cordial and efficient support and co-operation which they have received from the council of the Manchester Chamber of Commerce, and from the mayors and corporations of Manchester and Salford, as well as the valuable services in the House of Commons of the members whose names were on the Bill, and especially of Mr. Whitley and Mr. Slagg.

#### LAW ASSOCIATION.

At the usual monthly meeting of the directors, held at the hall of the Incorporated Law Society, Chancery-lane, on Thursday, 7th inst., the following being present—viz., Mr. Boodle, chairman, and Messrs. Deaborough, jun., Dod, Finch, Hedger, Lucas, Nisbet, Parkin, Styan, Henry Tylee, and A. B. Carpenter, secretary—a grant of £20 was made to the son of a deceased member, one new member was elected, and the ordinary general business was transacted.

### LAW STUDENTS' JOURNAL.

#### INCORPORATED LAW SOCIETY.

##### HONOURS EXAMINATION.

January, 1884.

At the examination for honours of candidates for admission on the roll of solicitors of the Supreme Court, the examination committee recommended the following gentlemen as being entitled to honorary distinction:—

##### FIRST CLASS.

[In order of Merit.]

Theodore Roberts, who served his clerkship with Mr. F. Corbett, of Worcester; and Mr. Thomas Roberts, of Claines, near Worcester.

Thomas Lamb, who served his clerkship with Mr. Edgar Thomas Martin Deanes, of the firm of Messrs. Todd & Deanes, of London.

##### SECOND CLASS.

[In Alphabetical order.]

William Kinross Arber, who served his clerkship with Mr. Henry Paulson Bowling and Mr. Henry Thorn, of London.

James Washington Calvert, who served his clerkship with Mr. Owen March, of Rochdale and Manchester.

James Henry Holt, who served his clerkship with Mr. William Cockcroft, of Rochdale.

##### THIRD CLASS.

[In Alphabetical order.]

Charles Goodwin Bradshaw, who served his clerkship with Mr. John William Marsh, of London.

Joseph Broatch, who served his clerkship with Mr. Robert Broatch, of the firm of Messrs. Broatch & Hall, of Keswick; and Mr. Tom Lamonby, of the firm of Messrs. Little & Lamonby, of Penrith.

Henry John Howard Bull, who served his clerkship with Mr. George Reader, of London.

William Dickinson, who served his clerkship with Mr. E. L. Waugh, of the firm of Messrs. E. & E. L. Waugh & Musgrave, of Cockermonth.

William Herbert Jackson, who served his clerkship with Messrs. Brockbank, Helder & Brockbank, of Whitehaven; and Messrs. Helder & Roberts, of London.

James Graham Lemon, who served his clerkship with Mr. Gabriel Lindo, of London.

Reginald Walter Miller, who served his clerkship with Mr. John Watson, of Nottingham; and Mr. S. G. Warner, of London.

Robert Frederick Ripley, who served his clerkship with Mr. Albert Calkin Lewis, of London.

John Thomas Roberts, who served his clerkship with Mr. John Bath Allison, of the firm of Messrs. Turner, Allison, & Evans, of Carnarvon.

Frederick James Dawson Siddall, who served his clerkship with Mr. William John Bruty, of London.

George Herbert Sismeay, who served his clerkship with Mr. Thomas Sismeay, of London.

Henry Fox Townsend, who served his clerkship with Mr. James Copleston Townsend, of Swindon; and Messrs. Crowdy, Son, & Tarry, of London.

The Council of the Incorporated Law Society have accordingly given class certificates, and awarded the following prizes of books:—

To Mr. Theodore Roberts, the prize of the Honourable Society of Clement's-inn, value ten guineas; and the Daniel Reardon Prize, value about twenty-five guineas.

To Mr. Lamb, the prize of the Honourable Society of Clifford's'-inn, value five guineas.

The council have given class certificates to the candidates in the second and third classes.

The number of candidates who attended the examination was fifty-three.

### NEW ORDERS, &c.

#### SUPREME COURT FUNDS RULES, 1884.

I, the Right Honourable Roundell, Earl of Selborne, Lord High Chancellor of Great Britain, with the concurrence of the Lords Commissioners of her Majesty's Treasury, do hereby, in pursuance of the powers contained in "The Court of Chancery Funds Act, 1872," "The Supreme Court of Judicature Act, 1875," "The Supreme Court of Judicature (Funds, &c.) Act, 1883," and of every other power enabling me in that behalf, make the following rules:—

##### I. OPERATION OF RULES AND INTERPRETATION OF TERMS.

1.—*Commencement of rules and short title.* These rules shall come into operation on the 1st day of March, 1884, and may be cited as "The Supreme Court Funds Rules, 1884."

2.—*Repeal of existing rules.* The Chancery Funds Consolidated Rules, 1874, are hereby revoked as from the day on which these rules come into operation; and all other rules or general orders prescribing the mode of dealing with funds in court, and containing any provisions relating to funds in court inconsistent with these rules, are hereby revoked and these rules substituted therefor, as from the same day:—Provided that the rules hereby revoked shall continue to apply to orders made but not fully acted upon before these rules come into operation, so far as is indispensable for the purpose of duly giving effect to such orders; but a certificate of a registrar as an authority for a sale or transfer of securities shall not in such cases be required.

3.—*Interpretation of terms.* In these rules and orders as herein prescribed and defined terms shall have the same meaning as the same terms are defined to have in the Rules of the Supreme Court, 1883, and the following words shall have the several meanings hereby assigned to them, viz.:—

"Paymaster" means her Majesty's Paymaster General for the time being for and on behalf of the Supreme Court of Judicature, or the Assistant Paymaster General for Supreme Court business for the time being deputed by the Paymaster General to act on his behalf for such business:

"Pay Office" means the Paymaster General's Office for business of the Supreme Court of Judicature:

"Pay Office Account" means the account of the Paymaster General for the time being for and on behalf of the Supreme Court of Judicature:

"Audit Office" means the branch of the Department of the Comptroller and Auditor General in which the audit of the accounts of the Pay Office is conducted:

"Bank" means the Bank of England, or the Governor and Company of the Bank of England:

"Company" includes corporation or body corporate:

"Government securities" means Consolidated £3 per centum Annuities, or Reduced £3 per centum Annuities, or New £3 per centum Annuities, or £2½ per centum Annuities:

"Funds" or "funds in court" means any money, Government stock or annuities, or other securities, or any part thereof, standing or to be placed to the Pay Office Account in the books of the Bank of England or of any other company:

"Lodge in court" means pay or transfer into court, or deposit in court:

"Lodgment in court" means payment or transfer into court, or deposit in court:

"Title of the cause or matter" means the short title of the cause or matter, with the reference to the record.

"Ledger credit" means the title of the cause or matter and the separate account (if any) opened or to be opened, under an order or otherwise, in the books of the paymaster, to which any funds are credited or to be credited.

"Order" means an order of the Supreme Court of Judicature or of the High Court of Justice or Court of Appeal, whether made in court



or in chambers, and an order in Lunacy, and includes a judgment or decree, and a report of a master in lunacy, confirmed by fiat, and thereby receiving the operation of an order under the Lunacy Regulation Acts for the time being in force; and a certificate of a master in lunacy to be acted on without further order; and includes the schedule or schedules to an order:

"Direction" means any cheque, draft, or authority issued to the Bank of England, or to any other company, which relates to money or securities standing or to be placed to the Pay Office Account:

"Court" means the Supreme Court of Judicature or the High Court of Justice or any division thereof, or the Court of Appeal:

"Registrar" means a registrar of the Chancery or of the Probate, Divorce, and Admiralty Divisions of the High Court of Justice, and includes the officer whose duty it may be under the General Orders in Lunacy for the time being in force to draw up and issue orders in lunacy:

"Chief clerk's certificate" or "certificate of a chief clerk" means a certificate made by a chief clerk of the Chancery Division of the court:

"Taxing officer" means a taxing master in the Chancery Division of the court, and the master or person whose duty it is to tax the costs in the other divisions or in lunacy:

"National Debt Commissioners" means the Commissioners for the reduction of the National Debt:

In causes and matters proceeding in a district registry, master, chief clerk, and taxing officer means district registrar:

Words importing the singular number only include the plural number, and words importing the plural number only include the singular number:

Words importing males include females.

#### II.—PREPARATION OF ORDERS IN THE CHANCERY DIVISION AND IN LUNACY TO BE ACTED ON BY THE PAYMASTER, AND PARTICULARS RELATING THERETO.

4.—*Application of rules 5 to 27 inclusive.* The rules next following, numbered severally 5 to 27 inclusive, shall apply only to causes and matters in the Chancery Division, and (so far as the same are applicable) to matters in lunacy.

5.—*Order for funds to be brought into court to have a lodgment schedule.* Every order which directs funds to be lodged in court, shall have annexed thereto as part thereof a schedule, to be styled the lodgment schedule, which shall be headed with the title of the cause or matter, the date of the order, and the title of the ledger credit to which the funds are to be placed; and shall set out in a tabular form:—

(a) The name, or a sufficiently identifying description of the person by whom the funds are to be lodged:

(b) The amount of money and the description and amount of securities, if ascertained.

The lodgment schedule shall be prepared upon a printed form according to the form No. 1 in the appendix to these rules, and as nearly as may be in the manner shown by the specimen entries appended to such form; and may direct the investment and accumulation of the funds or the dividends or interest on the funds to be lodged.

6.—*Order for funds to be paid out, &c., to have a payment schedule.* Every order which directs funds in court to be paid, sold, transferred, or delivered to any person, or carried over to any other ledger credit than that to which the same are standing, or to be otherwise dealt with by the paymaster, shall have annexed thereto as part thereof a schedule, to be styled the payment schedule, which shall be headed with the title of the cause or matter, the date of the order, and the ledger credit to which the funds dealt with are standing. The payment schedule shall contain as part of the heading a statement of the funds with which, or with part of which, or with the interest or dividends on which the paymaster is to deal, describing them if already in court as they appear in the paymaster's certificate, or if not already in court stating the source from which they are to be derived. The payment schedule shall set out in a tabular form:—

(a) The name of each person to whom a payment, transfer, or delivery of any funds is to be made (the name to be in full and the Christian name to precede the surname): unless the name is to be stated in a certificate of a chief clerk or a master in lunacy, or a taxing officer, or unless such payment, transfer, or delivery is to be made to trustees or other persons in succession, or to representatives when no probate or letters of administration shall have been taken out at the date of the order:

(b) The title of the ledger credit or separate account to which any funds are to be carried over:

(c) The amount of money and the description and amount of the securities in each case to be paid, sold, transferred, or delivered, so far as the same can be then stated; and where the actual amounts to be dealt with cannot be ascertained at the date of the order, and are not to be subsequently ascertained by any means provided for by the order or by these rules, the aliquot parts to be dealt with:

(d) The nature and necessary particulars of any other dealings with such funds by the paymaster.

In the body of the schedule short descriptions may be used, and it shall not be necessary to add that the specific amounts dealt with form part of the larger amount of any like funds mentioned in the heading. The word "interest" in the schedule shall, unless otherwise specified, mean the dividends and interest on all the funds mentioned in the heading.

The payment schedule shall be prepared upon a printed form according to the form No. 2 in the appendix to these rules, and as nearly as may be in the manner shown by the specimen entries appended to such form.

7.—*When a separate account is opened.* When funds in court are by an order directed to be carried over to a separate account, the title of the ledger credit to be opened for the purpose shall, unless the order otherwise directs, commence with the title of the cause or matter to which such funds are standing.

8.—*When both a lodgment and payment schedule to be annexed.* Every order which both directs or authorizes the lodgment of funds in court and also deals with such funds or any part thereof, or with any funds already in court to the same ledger credit, shall have annexed thereto as part thereof a combined lodgment and payment schedule, in the form No. 3 in the appendix to these rules.

9.—*Separate schedule for each ledger credit.* When funds to be lodged in court under an order are by the same order directed to be placed to two or more ledger credits, separate lodgment schedules shall be made out for such respective ledger credits; and when funds standing to two or more ledger credits are dealt with by the same order, separate payment schedules shall be made out for such ledger credits respectively.

10.—*Instructions to paymaster to be solely contained in schedules.* The lodgment and payment schedules, respectively, shall contain the whole of the instructions intended by the orders of which they severally form part to be acted upon by the paymaster, and all particulars necessary to be known by him, so far as such instructions and particulars are capable of being expressed at the date of the order, and the paymaster shall only be responsible for giving effect to such instructions so intended to be given by the order as are expressed in the lodgment or payment schedule thereto. The instructions and particulars contained in a lodgment or payment schedule shall not be set forth in the body of the order, but shall only be therein referred to as appearing by the schedule, unless for any special cause it shall, in the opinion of the judge by whom the order is made, or the registrar by whom the same is drawn up, be necessary to set forth some part of such instructions or particulars both in the body of the order and in the schedule.

11.—*Schedule to state when sums are to be ascertained by certificate, &c.* When an order directs any sums to be ascertained by the certificate of a chief clerk or taxing officer, or in any other manner, and to be afterwards dealt with by the paymaster, it shall be so expressed in the payment schedule; and the paymaster shall deal with the amount when ascertained on receipt of the necessary certificate, or other authority, which shall be retained by him.

12.—*Certificate for payment of taxed costs.* When an order directs payment out of a fund in court of any costs directed to be taxed by a taxing officer, the taxing officer shall state in his certificate the name of the solicitor to whom such costs are payable, and the paymaster shall, upon production of such certificate, issue a direction for payment of the same to such solicitor.

13.—*Interest how ascertained.* When interest not directed to be certified is payable in respect of any money in court directed by an order to be dealt with by the paymaster, there shall be stated in the payment schedule the rate per centum at which, and (if the day to which interest is payable can be fixed by the order) the day (inclusive) to which such interest is to be computed, and the amount of such interest.

14.—*When the day to which interest is payable cannot be ascertained.* If the day to which interest is payable cannot be fixed by the order, the day from which (exclusive) such interest is to be computed shall (except in the case of a computation of subsequent interest in the certificate of a chief clerk, or a master in lunacy) be stated in the payment schedule, and such interest may be directed to be computed and certified by a chief clerk, or a master in lunacy, or (where the computation is dependent upon the taxation of costs) by a taxing officer.

15.—*When interest certified by a chief clerk, &c.* Interest certified by a chief clerk, or a master in lunacy, or a taxing officer, may, unless the order otherwise directs, be computed to a day subsequent to the date of the certificate and to be named therein as the day for payment, so as to allow a reasonable time for doing all necessary acts to enable the payment to be made; and the chief clerk, or master in lunacy, or taxing officer, may, if he thinks fit, require a statement in writing of such computation, authenticated by the signature of the solicitor of the person having the carriage of the order, to be produced before preparing the certificate, but no affidavit verifying such computation shall be required.

16.—*When interest to be ascertained by affidavit.* When the day for payment is not fixed by the order, and the interest is not directed to be certified as in the last preceding rule mentioned, such interest shall, without any provision in the order for that purpose, be ascertained by an affidavit, or by a statutory declaration under the Act 5 & 6 Wm. 4, c. 63, in which case such interest shall be computed to a day (inclusive) to be named in such affidavit or declaration as the day for payment; which day shall not be more than 14 days after the day of swearing such affidavit, or making such declaration; and such affidavit or declaration shall be a sufficient authority to the paymaster to pay or apply the amount of interest so ascertained in the manner directed by such order.

17.—*Deduction of income tax from interest.* In every case in which interest is to be computed, income tax (if any) shall, in making such computation, be deducted therefrom at the rate payable during the time such interest accrues, unless the order otherwise directs; and if income tax has been deducted, it shall be so stated in every such affidavit or declaration as is mentioned in the last preceding rule.

18.—*Documents on which any dealings by the paymaster are made contingent to be described.* Whenever the dealing by the paymaster with funds in court is, by an order, made contingent upon the execution of some document, the document shall be described, and the parties thereto by whom it is to be executed shall be named in the payment schedule, or in a certificate of a master in lunacy or of a chief clerk. The execution of such document shall be certified by a master in lunacy, or by a chief clerk,

or may be verified by affidavit, if the order by which such execution is required shall so direct.

19.—*Periodical payments.*] When an order directs the payment of dividends, annuities, or other periodical payments, to be made by the paymaster, there shall be stated in the payment schedule (except in the case of dividends directed to be paid as they accrue due), the time when the first of such payments and all subsequent periodical payments, whether quarterly, half-yearly, yearly, or otherwise, are to be made.

20.—*Legacy and succession duty.*] When an order directs the payment, transfer, or delivery of funds in court, in respect of which duty shall be payable to the revenue under the Acts relating to legacy or succession duty, and does not direct the payment of such duty, it shall be stated in the payment schedule that such payment, transfer, or delivery is subject to duty, and in such case the paymaster is to have regard to the circumstance that such duty is payable; and when by an order funds in respect of which such duty may be chargeable are directed to be invested, carried over, or placed to a separate account, the words "subject to duty" shall be added in the schedule to the separate account directed to be opened.

21.—*Payment, transfer, or delivery to trustees, &c.*] When a person to whom payment, transfer, or delivery of funds in court is directed is entitled thereto as real estate, or as trustee, executor, administrator, or otherwise than in his own right or for his own use, the fact that he is entitled to the same as real estate, or the character in which he is so entitled, shall be stated in the payment schedule to the order, or in the certificate of a chief clerk, or of a taxing officer, or of a master in lunacy.

22.—*Draft schedule to be prepared by party having conduct of proceedings.*] When an order is made dealing in any way with funds in court, or to be brought into court in accordance with minutes agreed upon by the parties, the solicitor of the party whose duty it is to procure the order to be drawn up and entered shall prepare and lodge with the registrar or other proper officer, for his consideration, draft lodgment and payment schedules, as the case may be, in the same form as the lodgment and payment schedules to an order, and containing the particulars so far as the same have been ascertained, which are required by these rules to be contained in the lodgment and payment schedules of the order.

23.—*Orders how drawn up and entered.*] Every order which is to be acted upon by the paymaster shall be drawn up and entered by the registrar, and shall either be wholly printed, or, in cases in which printed forms can be used, may be partly in print and partly in writing.

24.—*Authentication and record of orders, and copy of schedules for paymaster.*] The registrar shall cause a duplicate of every printed or partly printed order and a further copy of the schedules thereto to be made at the same time with the original; and the original order shall be passed by the registrar in the usual way, and together with the further copy of the schedules thereto be stamped with his official seal on every leaf thereof, and transmitted by him to the clerks of entries with the duplicate. The duplicate order shall be retained and filed by the clerks of entries as the record, and the original order and further copy of the schedules, when examined and stamped by them and marked with a reference thereon to the duplicate or record so filed, shall be returned to the registrar to be delivered out to the solicitor having the carriage of the order, whose duty it shall be forthwith to leave such further copy of the schedules at the Pay Office.

25.—*Paymaster to act on copy of schedules.*] The copy of the schedules to an order left with the paymaster pursuant to the last preceding rule, shall be the paymaster's authority for giving effect to the several operations directed therein. No part of the order other than the schedules thereto shall be left with the paymaster.

26.—*Additional copies of printed orders.*] The registrar may cause to be made or printed additional copies of orders or schedules according to the requirements of the parties or their solicitors, and when such orders have been passed and entered, such additional copies shall be transmitted to the Central Office, and upon being completed and signed or certified by the proper officer, may be issued as office or certified copies.

27.—*Amendment of accidental errors in printed orders.*] Clerical mistakes or errors, or accidental omissions in printed orders, may be amended in writing; and every such amendment shall be stamped by the clerks of entries or other proper officer, with the official seal, as evidence that the duplicate or record has been also amended: Provided that no amendment shall be made in any order to provide for a new state of circumstances arising after the date of the order; nor shall any order be amended for the purpose of extending the time thereby limited for making any lodgment of funds in court.

When any such amendment is made in a schedule to an order, the copy of such schedule to be left at the Pay Office under rule 24 (if not already so left) shall be amended and stamped in the manner above provided. If such copy has prior to the amendment been left at the Pay Office, a notification of the amendment, signed by a registrar, shall be delivered to the solicitor having the carriage of the order, who shall leave such notification at the Pay Office, and produce therewith the amended original order; and the paymaster shall note such amendment on his copy of the schedule and act in accordance therewith.

### III.—FORM OF ORDERS FOR THE PAYMENT OF MONEY IN THE QUEEN'S BENCH AND PROBATE, DIVORCE, AND ADMIRALTY DIVISIONS.

28.—*Form of Orders in Queen's Bench and Probate, Divorce, and Admiralty Divisions.*] In the Queen's Bench and Probate, Divorce, and Admiralty Divisions an order for the payment of money by the paymaster shall be in the form No. 4 in the appendix to these rules.

### IV.—LODGMEN OF FUNDS IN COURT.

29.—*All funds lodged in court to be placed to the account of the paymaster.*]

All money and securities to be paid into or deposited in court shall be paid or deposited at the Bank of England (Law Courts Branch) and placed in the books of the bank to the account of the Paymaster-General for the time being for and on behalf of the Supreme Court of Judicature; and the bank shall cause a receipt to be given to the person making the payment or deposit.

All securities to be transferred into court shall be transferred to the said account in the books of the bank, or other company in whose books such securities are registered.

30.—*Manner of lodgment of funds in Chancery Division; and particulars to be stated in request.*] In the Chancery Division a lodgment of funds in court not directed by an order may be made upon a direction to the bank or other company, to be issued by the paymaster on a request signed by or on behalf of the person desiring to make such lodgment: Provided that no such lodgment shall be placed in the Pay Office books to a separate account in a cause or matter (except to a security for costs account) unless an order has directed such separate account to be opened.

A direction for a lodgment directed by an order shall be issued by the paymaster upon receipt of a copy of the lodgment schedule; and a direction for a lodgment under the Trustee Relief Act shall be issued by him, as provided by rule 41, upon receipt of an office copy of the schedule mentioned in that rule.

The request for a direction under this rule shall state the name of the person by or on whose behalf the funds are to be lodged, the ledger credit in the Pay Office books to which the funds are to be placed, and the date of the authority or certificate (if any) in pursuance of which the funds are to be lodged.

In cases of funds to be lodged in pursuance of the Lands Clauses Consolidation Act, 1845, or of the Copyhold Acts, the further particulars required under rules 39 and 40 shall be stated in the request. And when (otherwise than as hereinbefore provided) funds are lodged in court in pursuance of an Act of Parliament, under which some specific authority is necessary for such lodgment, the request for a direction for lodgment shall contain a reference to such Act and authority, and the requisite authority shall be left at the Pay Office.

Except in the cases next mentioned, the requests under this rule shall be in the forms No. 5 (for money) and No. 6 (for securities), in the appendix to these rules.

*Lodgment in court in actions for debt or damages.*] When money is to be lodged (in any action brought to recover a debt or damages) under the provisions of Order XXII. or of Rule 26 of Order XXXI. of the Rules of the Supreme Court, 1883, the request shall be in the form No. 7 in the appendix to these rules, and shall contain a statement of the circumstances under which the money is to be lodged, in such of the following terms as may be applicable to the case, viz.:—

(A.) When the money is to be lodged under the provisions of Rule 5 of the said Order XXII., a statement in the following terms:—"Paid in in satisfaction of claim of above-named [name of party]."

(B.) When the money is to be lodged under the provisions of Rule 6 of Order XXII., a statement in the following terms:—"Paid in against claim of above-named [name of party], with defence denying liability."

(C.) When the money is to be lodged under the provisions of Rule 26 of Order XXXI., a statement in the following terms:—"Paid in to security for costs account."

31.—*Conditional lodgment of money at the bank in urgent cases.*] When it is desired to bring money into court in the Chancery Division without waiting the time necessary to obtain a direction for the bank to receive such money, it may be lodged at the bank to the credit of a Supreme Court suspense account (subject to being dealt with as hereinafter mentioned, and not otherwise), upon an application signed by the person desiring to lodge the same or his solicitor, and addressed to the bank, specifying the amount, and the title of the ledger credit to which it is desired to be lodged, and upon such lodgment being made one of the cashiers of the bank shall give a certificate that the amount has been lodged to the credit of the said suspense account; and in every case the person making such lodgment, or his solicitor, shall forthwith request the direction of the paymaster for the bank to receive the money in the manner provided by the last preceding rule, and shall leave such direction at the bank for the purpose of having the money so previously lodged transferred to the Pay Office Account, and placed in the books of the Pay Office to the ledger credit mentioned in such direction.

32.—*Manner of lodgment of funds in the Queen's Bench Division.*] In the Queen's Bench Division a lodgment of funds to the account of the paymaster shall be made on presentation at the bank (Law Courts branch) of a request signed by or on behalf of the person desiring to make such lodgment. Such request for lodgment shall be in the form No. 8 in the appendix to these rules, and shall specify the cause or matter and the ledger credit to which the lodgment is to be placed, and shall also contain a statement of the circumstances under which the money is lodged, in such of the following terms as may be applicable to the case—viz.:—

(A.) When the money is to be lodged under Rule 5 of Order XXII. of the Rules of the Supreme Court, 1883, a statement in the following terms:—"Paid in in satisfaction of claim of above-named" [name of party].

(B.) When the money is to be lodged under Rule 6 of Order XXII. of the Rules of the Supreme Court, 1883, a statement in the following terms:—"Paid in against claim of above-named" [name of party] "with defence denying liability."

(C.) When the money is to be lodged under Rule 26 of Order XXXI. of the Rules of the Supreme Court, 1883, a statement in the following terms:—"Paid in to security for costs account."

(D.) When the money is to be lodged in pursuance of an order, or



otherwise than as above specified, a statement of the nature and date of the authority under which the lodgment is made—as, for instance:

—“Paid in under order dated the      day of  
18      ” or “Paid in on notice of appeal [in bankruptcy], dated  
the      day of 18      ”.

If the lodgment is made upon a notice or pleading, such notice or pleading must be produced at the bank, and the receipt for the lodgment shall be given thereon; and if the lodgment is made in pursuance of an order, such order, or an office copy thereof, must be produced at the bank by the person making the lodgment.

33.—*Lodgments under Orders XXII. and XXXI. to be distinguished in Pay Office books.* In every case of a lodgment in the Chancery and Queen's Bench Divisions under the provisions of the said Orders XXII. and XXXI., as provided in the preceding rules 30 and 32, the paymaster shall cause an entry to be made in his books indicating the circumstances under which the money is stated to be lodged.

34.—*Manner of lodgment of funds in Probate, Divorce, and Admiralty Division; such lodgments to be notified to registrar.* In the Probate, Divorce, and Admiralty Division a lodgment of funds to the account of the paymaster shall be made upon presentation at the bank (Law Courts branch) of an authority signed by or on behalf of a registrar. Such authority shall be issued upon a request signed by or on behalf of the person desiring to make such lodgment. The request shall specify the title of the cause or matter (which in admiralty actions shall include the name of the ship), and any particulars of the lodgment which may be necessary, and may be in the form No. 9 in the appendix to these rules.

When the receipt of money authorized to be lodged as above has been certified to the paymaster by the bank, the paymaster shall cause a notification of the lodgment to be sent to the registrar by whom or on whose behalf such lodgment was authorized.

35.—*Requests and directions may be sent by post.* A request or authority for the issue by the paymaster of a direction for the lodgment of funds in court may be sent to the paymaster by post, and, if so desired by the person sending the same, the paymaster shall send such directions by post to the address specified by such person.

36.—*Persons may bring funds into court in Chancery Division, though time limited by order has expired.* A person directed by an order in the Chancery Division to make a lodgment in court shall be at liberty to make the same without further order, notwithstanding the order may not have been served, or the time thereby limited for making such lodgment may have expired; and if any further sum of money has, by reason of such default, become payable by such person for interest, or in respect of dividends, he shall be at liberty to lodge in court such further sum upon a request as hereinbefore provided: Provided that any such subsequent lodgment shall not affect or prejudice any liability, process, or other consequences which such person may have become subject to by reason of his default in making the same within the time so limited.

37.—*Upon receipt or transfer of funds, direction to be returned to paymaster.* When funds have been received by the bank, and when securities have been transferred in the books of the bank or any other company to the Pay Office Account in accordance with a direction, the bank or other company shall forthwith send such direction to the paymaster, with a certificate thereon that the funds specified have been received or transferred as therein authorized.

38.—*Certificate of lodgment to be filed.* In the Chancery and Queen's Bench Divisions, when any direction or other authority for the lodgment of funds in court is returned to the Pay Office, with a certificate thereon that the funds therein mentioned have been lodged, the paymaster shall file at the Central Office a certificate of such lodgment, and shall therein state the ledger credit to which such funds have been placed in the books at the Pay Office; and an office copy of such certificate of the paymaster shall be received as evidence of the lodgment.

39.—*When money is lodged under Act 8 Vict. c. 18, s. 69, disability to be stated.* Money lodged in court in the Chancery Division pursuant to the 69th section of the Lands Clauses Consolidation Act, 1845, in respect of lands in England or Wales, shall be placed in the books at the Pay Office to the credit of Ex parte the promoters of the undertaking, in the matter of the special Act (citing it), and some words shall be added in each case briefly expressive of the nature of the disability to sell and convey, by reason of which the money shall be so paid in, which particulars shall be stated in the request for the direction to receive the money.

40.—*Money lodged under the Copyhold Acts to be specially described.* Money lodged in court in the Chancery Division pursuant to the Copyhold Acts shall be placed in the books at the Pay Office to the credit of “Ex parte the Land Commissioners for England,” and of the particular manor in respect of which the money shall be so paid in; and in the request for a direction to receive such money the name and locality of such particular manor shall be stated.

41.—*Lodgments under the Trustee Relief Act.* When a trustee or other person desires to lodge funds in court in the Chancery Division under the Act 10 & 11 Vict. c. 96, he shall annex to the affidavit to be filed by him pursuant to the said Act a schedule in the same printed form as the lodgment schedule to an order, setting forth:—

- (a.) His own name and address;
- (b.) The amount of money and description and amount of securities proposed to be lodged in court;
- (c.) The ledger credit to be opened in the Pay Office books, in the matter of the particular trust, to which the funds are to be placed;
- (d.) A statement whether legacy or succession duty (if chargeable) or any part thereof has or has not been paid;
- (e.) A statement whether the money or the dividends on the securities are to be lodged in court, and all accumulations of dividends thereon,

are desired to be invested in any and what description of Government securities, or whether it is deemed unnecessary so to invest the same.

The paymaster, on receipt of an office copy of such schedule (which is to be retained by him), shall issue the necessary direction for giving effect to such lodgment.

43.—*Credit to which proceeds of securities and dividends are to be placed.* Any principal money or dividends received by the bank in respect of securities standing to the Pay Office Account shall be placed in the books at the Pay Office, in the case of principal money to the ledger credit to which the securities whereon such money arose were standing at the time of the receipt thereof, and in the case of dividends to the ledger credit to which the securities whereon such dividends accrued were standing at the time of the closing of the transfer books of such securities previously to the dividends becoming due.

#### V.—APPROPRIATION IN THE QUEEN'S BENCH DIVISION OF MONEY LODGED UNDER ORDER XIV.

43.—*Appropriation of money lodged under Order XIV. of R. S. O., 1883.* In the Queen's Bench Division, when a defendant has lodged money in court under Order XIV. of the Rules of the Supreme Court, 1883, as a condition of liberty to defend, and desires to appropriate the whole or any part of such money to the whole or any specified portion of the plaintiff's claim pursuant to Rule 11 of Order XXII. of the said rules, he or his solicitor shall leave at the Pay Office a notice of such appropriation in the form No. 10 in the appendix to these rules, specifying the title of the cause or matter, the ledger credit to which the money is standing, the date of the order under which the money was lodged in court, and the amount to be appropriated; and whether so appropriated, (A.) in satisfaction of a claim, or (B.) against a claim, with a defence denying liability; and thereupon, for the purposes of payment out of court, the money mentioned in the notice shall be subject to the next following rule. The person leaving such notice must produce therewith the original receipt of the bank for the amount lodged.

#### VI.—PAYMENT, DELIVERY, AND TRANSFER OF FUNDS OUT OF COURT, AND OTHER DEALINGS WITH FUNDS.

44.—*Payment out of court of money lodged in actions for debts and damages.* In the Chancery and Queen's Bench Divisions, when money has been lodged in actions for debts and damages under Orders XXII. and XXXI. of the Rules of the Supreme Court, 1883 (as described in rules 30 and 32 of these rules), and when and so far as money lodged under Order XIV. of the said Rules of the Supreme Court has been appropriated in the manner provided in the last preceding rule, payment of the money shall be made to the person in satisfaction of whose claim it has been lodged, or to the person otherwise entitled thereto, or, on the written authority of either such person respectively, to his solicitor, as under:—unless an order restraining such payment has been lodged at the Pay Office prior to the issue of the paymaster's direction for payment.

(A.) When the money has been lodged or appropriated in satisfaction of a claim, under rules 30 (A.) and 32 (A.) of these rules, or the last preceding rule, a direction for payment shall be issued by the paymaster upon a request in the form No. 11 (A.) in the appendix to these rules.

(B.) When the money has been lodged or appropriated against a claim, with a defence denying liability, under rules 30 (B.) and 32 (B.) of these rules, or the last preceding rule, a direction for payment shall be issued by the paymaster upon receipt of a notification that the plaintiff accepts the sum lodged in satisfaction, and that due notice has been given of such acceptance, and upon a request for payment of the same; such notification and request to be in the form No. 11 (B.) in the appendix to these rules.

(C.) When the money has been lodged to a security for costs account under rules 30 (C.) and 32 (C.) of these rules, if, after the action has been finally disposed of, the party who lodged the money is entitled under Rule 27 of Order XXXI. of the Rules of the Supreme Court, 1883, to have the money paid out to him, the taxing officer shall, on the taxation of the costs, give to such party a certificate that he is so entitled; and, upon leaving such certificate at the Pay Office with a request in the form No. 11 (C.) in the appendix to these rules, a direction for payment shall be issued by the paymaster.

When a request is made for payment of money lodged on a notice or pleading, the original receipted notice or pleading must be produced at the Pay Office.

Except as in this rule is provided, the money so lodged or appropriated, as mentioned herein, shall only be paid out in pursuance of an order.

45.—*In other cases funds to be dealt with only in pursuance of an order.* Except as provided in the last preceding rule, and subject to the provisions contained in rules 55, 56, 57, 70, 73, and 74, funds in court shall not be paid, delivered, or transferred out of court, nor invested, sold, or carried over unless in pursuance of an order, or in the case of an investment of money or application of dividends unless in pursuance of an authority contained in a certificate of a master in lunacy.

46.—*A copy of every payment schedule or order dealing with funds in court to be left at the Pay Office.* A duly authenticated copy of every payment schedule in the Chancery Division and in Lunacy, and of every order in the Queen's Bench and Probate, Divorce, and Admiralty Divisions which directs funds to be dealt with, shall be left at the Pay Office, and shall be the paymaster's authority for the issue of directions giving effect to such orders.

In the Chancery Division it shall be the duty of the solicitor having the carriage of the order forthwith to leave such copy (as provided in rule 24). In the Queen's Bench and Probate, Divorce, and Admiralty Divisions such copy shall be left by or on behalf of the person entitled to payment

or interested in any other dealings with such funds directed or authorized by the order.

47.—*Paymaster to prepare directions giving effect to orders upon receipt of the necessary authority and information.* The directions of the paymaster for the payment of money under these rules, and for the delivery of securities out of court in pursuance of an order, shall be prepared by the paymaster forthwith, or from time to time, upon receipt of a copy of the order and any further necessary authority or information; and except as provided in the next following rule such directions shall be delivered upon the personal application of the persons entitled thereto.

Investments of money, transfers of securities out of court, and carrying over of funds, in pursuance of an order, shall be made by the paymaster upon receipt of the necessary authority and information.

Sales of securities in pursuance of an order, of which a copy has been left at the Pay Office, shall be made by the paymaster upon application by or on behalf of the persons interested therein, and such application may be sent by post.

48.—*Payments may be made by post.* Any person residing within the United Kingdom entitled under an order to any dividend, annuity, or other periodical payment, and any person so resident entitled to any other payment not exceeding £500, may obtain a remittance of the same by post, by sending to the paymaster a request in the form No. 12 in the appendix to these rules, attested by two witnesses, of whom one shall be a justice of the peace, a commissioner to administer oaths, or a clerk in holy orders, or notary public. Upon receipt of such request (and, when necessary, of evidence of the fulfilment of any conditions of payment, as referred to in rule 95), the paymaster shall send by post to the address specified in the request a direction or other document by which payment may be obtained; and such direction or other document shall be crossed, so as to be payable only through a bank: Provided that the paymaster may refuse to comply with any such request if he see reason for so doing, and provided also that the said transmission of such crossed direction or other document shall be at the sole risk of the person sending the said request. The proper attestation of the said request pursuant to this rule shall be sufficient evidence to the paymaster that the person making the request is the person named in the order referred to in such request.

49.—*Paymaster's directions to be sufficient authority to the bank or other company.* The directions of the paymaster issued under these rules (signed and countersigned by such officers as may be prescribed or approved by the Treasury, under rule 107) shall be sufficient authority to the bank for the payment of the money specified in any such directions, and shall be the necessary and sufficient evidence of an order of the court to authorize the bank or other company to transfer, on sale or otherwise, or to deliver, any securities standing to the Pay Office Account which may be specified in any such directions.

50.—*Discharge to paymaster.* A direction or other document by which payment of money is effected, when indorsed or signed by the payee or his lawful attorney, shall be a good discharge to the paymaster for the amount therein expressed.

51.—*Authorities for payments to others than named persons to be witnessed.* When money is by an order in the Queen's Bench Division directed to be paid to a person therein named, or, on his authority, to a solicitor or other person, the signature to the authority must be attested by a witness, whose residence and description must be added to his attestation.

52.—*Payments to official persons to be made by transfer.* When money in court or any sum payable thereout is by an order directed to be paid to any public officer or department or to the official liquidator of any company, or any other official persons for whom an account is kept at the bank, payment thereof shall, on a requisition to that effect, be made by a direction to the bank to transfer the amount of such payment to the account at the bank of such public officer or official person accordingly. When any duty is directed to be paid out of funds in court, such duty shall, without any words in the order to that effect, be assessed, and on a requisition made by or on behalf of the Commissioners of Inland Revenue be transferred to the proper account at the bank.

53.—*Payments for securities purchased; and transfers of securities sold.* When money in court is invested by purchase, the payment for such investment, which, unless otherwise ordered, shall include brokerage, shall be made conditionally upon the transfer or deposit to the Pay Office Account of the securities purchased. And when securities in court are sold, the transfer or delivery of such securities shall not be made until the money proceeds of such sale, after deduction, unless otherwise ordered, of brokerage, shall have been paid to the Pay Office Account.

54.—*Accounts to which investments, sales, &c., are to be credited.* Upon an investment of money in court or the sale of securities in court, the securities purchased by such investment or the money realized by such sale, respectively, shall in every case be placed to the ledger credit to which the money invested or the securities sold previously stood, unless, in the case of an investment, otherwise specially ordered.

55.—*Application of dividends accruing on securities transferred.* When securities in court are directed to be transferred, delivered out, or carried over, dividends accruing thereon subsequently to the date of the order directing the transfer, delivery, or carrying over (when the amount of the securities to be transferred, delivered, or carried over is specified in such order, or if not so specified then subsequently to the time when the amount of such securities shall be ascertained) shall be paid to the persons to whom or carried over to the ledger credit to which the securities are to be transferred, delivered, or carried over unless such order otherwise directs. When securities in court are directed to be realized, and the whole of the proceeds paid out or carried over in one sum, or in aliquot parts (except when the realization is to raise a specific sum of money), any dividends accruing on such securities subsequent to the date of the order directing

the realization (if the amount of such securities is specified in the order, or if not so specified, then subsequently to the time when such amount shall be ascertained) shall be added to such proceeds, and applied in like manner therewith, unless such order otherwise directs.

56.—*When such dividends have been invested.* When such dividends as in the last preceding rule mentioned have pursuant to a general or other previous order been invested, the securities purchased with such dividends shall, unless otherwise directed, be transferred or delivered, and any dividends accrued in respect thereof be paid, to the persons to whom or carried over to the ledger credit to which such first-mentioned dividends would if uninvested have been paid or carried over.

57.—*When dividends otherwise applicable have been invested.* In every case (other than that provided for by the last preceding rule), when by an order money or dividends are directed to be dealt with so that the same ought not to be invested, and subsequently to the date of such order such money or dividends or any part thereof shall have been invested, the securities purchased with such dividends shall, unless otherwise directed, be sold, and the proceeds of such sale and any dividends accrued in respect of such securities shall be applied in the same manner as the money or dividends so invested would have been applied under such order, if they had not been so invested.

58.—*Dividends on residue.* When under any order dividends on securities in court are directed to be dealt with, and a subsequent order is made dealing with part of such securities, the dividends on the residue shall, unless such subsequent order shall otherwise direct, continue to be dealt with in the same manner as the dividends on such securities were by the prior order directed to be dealt with.

59.—*Application of money or dividends placed on deposit after date of order dealing therewith.* When subsequently to the date of an order dealing with money in court such money shall have been placed on deposit, as hereinafter provided, or when dividends accruing subsequently to the date of an order under which such dividends are applicable shall have been placed on deposit, the same when withdrawn from deposit, and any interest credited in respect thereof, shall, unless the order otherwise directs, be applied in the same manner as such money or dividends would have been applied had the same not been so placed on deposit.

60.—*Application of interest on money placed on deposit after date of order directing its investment.* When an order directs money in court to be invested, and subsequently to the date of such order the money shall have been placed on deposit, interest accruing in respect of such money shall be applied in the same manner as the dividends arising from such investment are directed to be applied.

61.—*Funds ordered to be paid or transferred to women who afterwards marry.* When funds in court are by an order directed to be paid, transferred, or delivered to a woman who is not married at the date of the order, or who, being married at that date, shall become a widow, and such woman shall marry before payment, transfer, or delivery of such funds, upon an affidavit of such woman and her husband that no settlement or agreement for a settlement whatsoever has been made or entered into, before, upon, or since their marriage, or in case any such settlement or agreement for a settlement has been made or entered into, then upon an affidavit of such woman and her husband identifying such settlement or agreement for a settlement, and stating that no other settlement or agreement for a settlement has been made or entered into as aforesaid, and an affidavit of the solicitor of such woman and her husband that such solicitor has carefully perused such settlement or agreement for a settlement, and that, according to the best of his judgment, such funds are not, nor is any part thereof, subject to the trusts of such settlement or agreement for a settlement, or in any manner comprised therein or affected thereby, such funds shall be paid, transferred, or delivered to such woman without the intervention or concurrence of her husband in the same manner as if she had remained unmarried.

62.—*Payments, &c., to representatives of deceased persons.* When funds in court are by an order directed to be paid, transferred, or delivered to any person named or described in an order, or in a certificate of a chief clerk, or of a taxing officer, or of a master in lunacy (except to a person therein expressed to be entitled to such funds as real estate, or to be entitled thereto as a trustee, executor, or administrator, or otherwise than in his own right, or for his own use), such funds, or any portion thereof for the time being remaining unpaid or untransferred or undelivered, may, unless the order otherwise directs, on proof of the death of such person, whether on or after, or in the case of payment directed to be made to creditors as such, before the date of such order, be paid or transferred or delivered to the legal personal representatives of such deceased person, or to the survivors or survivor of them.

63.—*Payments, &c., to partners.* When money in court is by an order directed to be paid to any persons described in the order, or in a certificate of a chief clerk, or of a taxing officer, or of a master in lunacy, as co-partners, such money may be paid to any one or more of such co-partners, or to the survivor of them.

64.—*Payments, &c., to surviving representatives.* When funds in court are by an order directed to be paid, transferred, or delivered to any persons as legal personal representatives, such funds, or any portion thereof for the time being remaining unpaid, untransferred, or undelivered, may, upon proof of the death of any of such representatives, whether on or after the date of the order directing such payment, transfer, or delivery, be paid, transferred, or delivered to the survivors or survivor of them.

65.—*Within what time probate or letters of administration must have been granted.* No funds shall, under rules 62 and 64, be paid, transferred, or delivered out of court to the legal personal representatives of any person under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of six years from the date of the order directing such payment, transfer or delivery, or in case such funds

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consist of interest or dividends from the date of the last receipt of such interest or dividends under such order.

66.—*Payment of legacy or succession duty.*] The paymaster, before acting upon an order for the payment, transfer, or delivery of funds in respect of which legacy or succession duty is (under rule 20) stated to be payable, shall require the production of the official receipt for such duty, or a certificate from the proper officer of the payment thereof, or that no such duty is payable; and the paymaster, on receiving notice from the proper officer in any case that such duty is payable, shall cause a memorandum to that effect to be made in his books.

67.—*Carrying over fees on proceedings and taxation.*] When costs are by an order directed to be paid out of funds in court, the taxing officer shall certify the names of the solicitors respectively to whom such costs are payable, and the amount of any fees which have not been paid but are payable, and are proper to be paid out of such funds, in respect of any proceedings in the cause or matter, whether the amount shall or shall not have been previously ascertained, and in respect of the taxation of such costs. The paymaster shall carry over the amount so certified to be payable from the account to which such funds are placed to an account in the Pay Office books for fees on proceedings and taxation; and the amount so carried over shall from time to time, as the Treasury may direct, be paid to the account of her Majesty's Exchequer.

68.—*Deduction of income tax on payments of or out of dividends.*] In acting on orders directing any annuities or maintenance to be paid, or any other periodical payments to be made, out of dividends to accrue on securities in court in respect of which dividends income tax shall have been deducted, the paymaster shall draw only for so much of the sums directed by such orders respectively to be paid as shall remain after making a deduction therefrom at the same rate as the bank shall certify to have been deducted from such dividends for income tax, except in cases in which such sums shall be directed to be paid without making any such deduction.

#### VII.—INVESTMENTS.

69.—*Investment of accruing dividends under an order.*] When an order directs the investment and accumulation of dividends accruing on securities in court, or to be transferred into court, or directed to be purchased with money in court, or to be lodged in court, the paymaster upon receipt of the copy of such order shall, without any request, from time to time (until he shall receive a request or copy of an order to the contrary) invest such dividends, if amounting to or exceeding £40 half yearly, together with all accumulations of dividends thereon, as soon as conveniently may be after they shall accrue due and have been received in the particular description of securities named in the order directing such investment and accumulation.

70.—*Purchase of Exchequer bills or bonds.*] When money in court is invested in Exchequer bills or Exchequer bonds, and when Exchequer bills or Exchequer bonds are, in pursuance of an order, deposited in court to any ledger credit, any principal money or interest which may thereafter be received and paid into the bank in respect of such bills or bonds, or in respect of any such bills or bonds for which the same may be exchanged, shall from time to time, as the same shall be so received and paid into the bank, be also invested by the paymaster, unless such order otherwise directs, or until he receives a request or a notice of a further order to the contrary, in Exchequer bills or Exchequer bonds which shall be placed to the same credit.

71.—*Bank to renew Exchequer bills, and to receive principal and interest of securities when paid off.*] When and so often as any Exchequer bills or other securities deposited at the bank to the credit of the Pay Office Account shall be in course of payment, the bank shall, without any direction from the paymaster, cause all such bills or other securities so in course of payment to be delivered to one of the cashiers of the bank, who is to receive the principal money or interest due thereon, or in the case of Exchequer bills to exchange the same for new bills, if new bills are issued, or otherwise to receive the principal money and interest due on such of the said bills so in course of payment as cannot be exchanged, and pay such interest or principal and interest (as the case may be) into and deposit all such new bills in the bank to the Pay Office Account; and the bank shall forthwith after every such exchange or receipt of principal or interest certify to the paymaster, without any direction from him for that purpose, the numbers, dates, and amounts of the Exchequer bills or other securities so exchanged or paid off, and also the numbers, dates, and amounts of the new bills taken in exchange, and the amount of the interest, or principal money and interest (as the case may be), received on each bill or set of bills or other securities; and upon receiving such certificate the paymaster shall place such new bills and such principal money and interest to the ledger credit in the books at the Pay Office to which the bills or other securities so exchanged or paid off were placed.

72.—*Limit of amount to be invested.*] A sum of money in court less than £40 shall not be invested in securities, except in the cases provided for by the two rules next following, and unless an order directs such investment notwithstanding the smallness of the amount. This rule shall extend to the investment of dividends accruing on securities in court which are directed to be invested, and such dividends when amounting to less than £40 half yearly, and not less than £10, are (subject to the two rules next following) to be placed on deposit.

73.—*Investment of money lodged under 36 Geo. 3, c. 52 (Infant legatees).*] A sum of money amounting to or exceeding £40 lodged in court, under the 32nd section of the Act 36 Geo. 3, c. 52, shall, upon a request signed by or on behalf of the person paying it in, or by or on behalf of a person claiming to be entitled thereto or interested therein, be invested (without an order) in the Government securities specified in such request; and the dividends accruing in respect thereof, when or so soon as they shall

amount to or exceed £10, shall be from time to time invested in like securities. And if such money shall have been placed on deposit before such request shall be left at the Pay Office, such money and any interest to be credited in respect thereof, if amounting to £40, shall, upon a like request, be withdrawn from deposit and invested as before mentioned. Dividends accruing on funds or on investments or accumulations of funds lodged in court under the said Act prior to the commencement of the Chancery Funds Rules, 1872, may, when or so soon as they amount to or exceed £10, be invested in like manner.

74.—*Investment of money lodged under the Trustees Relief Act.*] When it is stated in the schedule to the affidavit made pursuant to rule 41 that it is desired that any money to be lodged in court, or the dividends accruing on any securities to be lodged in court in pursuance of the Act 10 & 11 Vict. c. 96, and the accumulations thereof, shall be invested in any description of Government securities, the paymaster shall (if or so soon as such money shall amount to or exceed £40, or so soon as dividends accruing on such securities shall amount to or exceed £10) invest the same accordingly, without any order or further request for that purpose. If such money does not amount to £40 (and is not less than £10) the paymaster shall place such money on deposit without a request for that purpose, unless the said schedule contains a statement that it is deemed unnecessary to place such money on deposit, or unless notice in writing be left at the Pay Office of an order having been made, or of an intended application to the court, affecting such money, securities, or dividends. Dividends accruing on funds or on investments or accumulations of funds lodged in court under the said Act prior to the commencement of the Chancery Funds Rules, 1872, may, when or so soon as they amount to or exceed £10, be invested without any request.

75.—*Investing stayed or discontinued on request.*] In all cases, upon a request signed by a solicitor acting on behalf of any person claiming to be entitled to or interested in securities in court, that the dividends or interest accruing on any specified securities may not be invested, being at any time left at the Pay Office, the paymaster shall be at liberty to cease to invest any more dividends or interest accruing on such securities or to place the same on deposit until he has received notice of an order in that behalf.

#### VIII.—MONEY ON DEPOSIT, AND INTEREST THEREON.

76.—*Money to be placed on deposit.*] Subject to the two rules next following all money to be lodged in court in the Chancery Division shall be placed on deposit without a request. But money arising by the sale, conversion, or payment off of securities in court in that division shall only be placed on deposit upon a request to that effect.

77.—*Money not to be placed on deposit in certain cases.*] Money shall not be placed on deposit in the following cases:

- (a) In any cause or matter in the Queen's Bench or Probate, Divorce, and Admiralty Divisions;
- (b) When lodged under the standing orders of either House of Parliament, pursuant to the Act 9 & 10 Vict. c. 20, or any Act amending the same, in respect of works or undertakings to be executed under the authority of Parliament;
- (c) If lodged prior to the commencement of the Court of Chancery Funds Act, 1872, pursuant to the Copyhold Acts, or to section 69 of the Lands Clauses Consolidation Act, 1845;
- (d) When the amount is less than £10;
- (e) When a payment schedule dealing with the money otherwise than by directing it to be placed on deposit has been left at the Pay Office;
- (f) When a request that the money shall not be placed on deposit, signed by a solicitor acting on behalf of a person claiming to be entitled to or interested in the money, is left at the Pay Office: Provided that the person making such request may at any time withdraw the same, and request that the money may be placed on deposit.

78.—*When money shall be withdrawn from deposit.*] Money shall be withdrawn from deposit in the following cases:—

- (a) When an order directs the money to be dealt with to such an amount as may be sufficient to comply therewith;
- (b) When the amount is reduced below £10;
- (c) Upon a request signed by a solicitor acting on behalf of a person interested, and countersigned by a chief clerk or registrar, containing a notification that the money is about to be dealt with by an order.

79.—*Time for placing money on deposit.*] The placing on deposit of money lodged in court shall not be deferred beyond the 15th or the last day of the month in which it shall be lodged in court, whichever day shall first happen after such lodgment, or in the case of money lodged in court on the last day of a month, the placing on deposit shall not be deferred beyond the 15th day of the following month; and when a request to place money in court on deposit shall be sent to or left at the Pay Office, the money shall be so placed on the day succeeding the day on which such request shall be so left or received at the Pay Office.

80.—*As to placing on deposit cash arising from conversion of Government securities.*] When an order directs Government securities to be sold and the whole of the money arising thereby to be placed on deposit, and when such securities are realized by exchange as herein-after provided, such money shall be deemed to have been placed on deposit (without a request for that purpose) on the day on which such exchange shall be effected.

81.—*No interest computed on a fraction of £1.*] Interest upon money on deposit shall not be computed on a fraction of £1.

82.—*For what periods interest is to be computed.*] Except as in this rule otherwise provided, interest upon money on deposit shall accrue by half calendar months, and shall not be computed for any less period. The periods from the 1st to the 15th of a month, both days inclusive, and from

the 16th to the last day of a month, both days inclusive, shall, for the purpose of computing such interest, be reckoned as half calendar months; and such interest shall begin on the first day of the half calendar month next succeeding that in which the money is placed on deposit, and shall cease from the last day of the half calendar month next preceding the withdrawal of the money from deposit: Provided that when a sum of money in court amounting to not less than £500 shall be placed on deposit, pursuant to a request signed by or on behalf of a person claiming to be interested therein, and shall remain on deposit undisturbed until the 1st of April or the 1st of October next succeeding the day on which it is placed on deposit, interest shall begin on the day inclusive next succeeding such day of placing on deposit.

83.—*When interest is to be credited.* Interest which has accrued for or during the half-years ending respectively the 31st of March and the 30th of September in every year on money then on deposit shall, on or before the 20th days of the months respectively following, be placed by the paymaster to the ledger credit to which such money shall be standing on every such half-yearly day. And when money on deposit is withdrawn from deposit, except as to money withdrawn during the first 15 days of the months of April and October respectively, the interest thereon which has accrued and has not been credited shall, at the time of withdrawal, be placed to the ledger credit to which the money is then standing.

84.—*Modes of calculating interest in certain cases on parts of money withdrawn.* When money on deposit to a ledger credit consists of sums which have been placed on deposit at different times, and an order is made dealing with the money, and part of such money has to be withdrawn from deposit for the purpose of executing such order, the part or parts of the money dealt with by such order last placed and remaining on deposit at the time of such withdrawal shall, for the purpose of computing interest, be treated as so withdrawn, unless the order otherwise directs.

85.—*Placing of interest on deposit.* Unless otherwise directed by an order, interest credited pursuant to rule 83 on money on deposit shall, when or so soon as it amounts to or exceeds £10, be placed on deposit, and for the purpose of computing interest upon it shall be treated as having been placed on deposit on the last half-yearly day on which any such interest became due.

#### IX.—EXCHANGE OR CONVERSION OF GOVERNMENT SECURITIES AND TRANSACTIONS WITH THE NATIONAL DEBT COMMISSIONERS.

86.—*Exchanges of securities in lieu of actual purchases and sales.* When Government securities in court are directed to be sold, such securities may be realized by exchange in the Pay Office books in the manner hereinafter provided. And when money in court is required to be invested in Government securities, such investment may be made by exchange in like manner.

87.—*As to manner of recording such exchanges.* For the purpose of effecting any such exchange, an account of each description of Government securities shall be kept at the Pay Office, entitled "Exchange Accounts," and such accounts shall contain on the one side thereof the amount of securities received in exchange for money, and the amount of money received in exchange for securities, and on the other side thereof the amount of money and securities given in exchange for such securities and money respectively. The money value of the securities received or given in exchange under this rule shall be determined by the price of the day following the day on which the paymaster is required or authorized to make the sale or investment; or if the money invested consists of dividends accrued on Government securities in court, and previously to the accruing thereof, required or authorized to be invested, the price of the day on which such dividends shall be placed by the bank to the Pay Office Account; or if no price can be ascertained for such day, then the price of the next following day for which it can be ascertained. The price herein mentioned shall be the bank average price of the Government securities appearing in the account transmitted to the Controller-General of the National Debt Office by the cashiers of the bank, a copy whereof shall be sent daily by the bank to the Pay Office.

88.—*Commission to be charged on exchanges and paid to the Exchequer.* Upon every such exchange a commission shall be charged of one-eighth per cent. on the amount of money realized or invested, in lieu of any brokerage provided for by the order or usually charged upon the sale or purchase of such securities; and unless the payment thereof is otherwise provided for by the order, such commission shall be deducted from the proceeds of the realization or the amount to be invested respectively, or in case a specific amount of money is to be realized, the commission upon it shall also be realized by the exchange of an additional amount of the securities by which the realization is to be effected; and when the payment of brokerage is otherwise provided for, the paymaster shall not be required to make any such exchange until such commission has been paid into the bank to the Pay Office Account. Such commission when so paid in or realized and deducted as aforesaid shall be placed to an account in the Pay Office books for commission on exchanges; and the amount so placed shall from time to time, as the Treasury may direct, be transferred to the account of her Majesty's Exchequer.

89.—*Periodical adjustment of exchange account.* The paymaster shall from time to time, but not less than once in every year, prepare and transmit to the National Debt Commissioners a statement of the result of the exchange operations under these rules, showing the total amounts of each description of Government securities purchased by exchange and realized by exchange, respectively; and the total amounts of the cash charged and credited, respectively, in the Pay Office books as the money value of the securities exchanged. And the difference so arising between the amount of any description of Government securities standing to the credit of the Pay Office Account at the bank and the amount of such securities appearing by the books of the Pay Office to be in court, and also the difference between the

money value nominally paid and nominally received for such securities, shall be forthwith adjusted as follows:—

(a.) If such statement shows that the total amount of any description of Government securities purchased by exchange is in excess of the total amount of the same description of securities realized by exchange, the amount of such excess of securities purchased by exchange shall be transferred by the National Debt Commissioners from their account at the bank on behalf of the Supreme Court to the Pay Office Account at the bank. And such transfer of securities shall be treated as a repayment by the said Commissioners, out of the money placed in their hands by the paymaster on behalf of the Supreme Court, of the difference between the cash charged and credited respectively in the Pay Office books in respect of such exchanges, as shown in the said statement.

(b.) If such statement shows that the total amount of any description of Government securities purchased by exchange is less than the total amount of the same description of securities realized by exchange, the amount of the excess of securities realized by exchange shall be transferred by the paymaster to the account at the Bank of the National Debt Commissioners on behalf of the Supreme Court. And the money value of the securities so transferred (being the difference between the cash charged and credited, respectively, in the Pay Office books in respect of such exchanges, as shown in the said statement), shall be placed by the National Debt Commissioners to the credit of the account kept by them of money placed in their hands by the paymaster on behalf of the Supreme Court.

90.—*Adjustment of dividends on Government securities in court.* The paymaster shall from time to time prepare and transmit to the National Debt Commissioners a statement showing the amount of the dividends, less income tax, which became payable in the period to which such statement relates, or the Government securities in court (at the closing of the bank-books for such dividends) as shown by the Pay Office books, and the amount of the dividends received in the same period on the Government securities standing to the credit of the Pay Office Account at the bank; and the difference appearing thereby shall be adjusted as follows:—

(a.) If the amount of dividends payable shall have exceeded the amount of dividends received, the amount of the difference shall be credited by the National Debt Commissioners to the account kept by them of money placed in their hands by the paymaster on behalf of the Supreme Court.

(b.) If the amount of dividends received shall have exceeded the amount of dividends payable, the amount of the difference shall be transferred by the paymaster to the account at the bank of the National Debt Commissioners on behalf of the Supreme Court.

91.—*Surplus of money on the Pay Office Account to be transferred to the National Debt Commissioners.* When the money to the credit of the Pay Office Account is, in the opinion of the paymaster, in excess of the amount required for the purpose of making current payments, he shall transfer the amount of such excess from the Pay Office Account to the account at the bank of the National Debt Commissioners on behalf of the Supreme Court, and shall notify such transfer to the said Commissioners.

92.—*Deficiency of money on the Pay Office Account to be made good by National Debt Commissioners.* When the money to the credit of the Pay Office Account is, in the opinion of the paymaster, insufficient for the purpose of making current payments, the National Debt Commissioners upon a request in writing of the paymaster shall forthwith transfer from their account at the bank on behalf of the Supreme Court to the Pay Office Account the amount of money specified in such request.

93.—*National Debt Commissioners to give credit for interest on money on deposit.* The paymaster shall, after the 31st March and 30th September in every year, certify to the National Debt Commissioners the amount of interest on money on deposit which has accrued for or during the half years respectively ending on those days; and the National Debt Commissioners, as soon thereafter as may be, shall place such amount to the credit of the account kept by them of money placed in their hands by the paymaster on behalf of the Supreme Court, and shall cause the amount of income tax (if any) chargeable on such interest to be paid to the account at the bank of the Receiver-General of Inland Revenue.

#### X.—CALCULATION OF RESIDUES, EVIDENCE OF LIFE, &c.

94.—*Calculations of residues to be made in Pay Office.* For the purpose of ascertaining the amounts of any residue or aliquot part of money or securities dealt with by an order, when such amounts cannot be stated in the payment schedule and are not directed to be certified, the necessary calculations shall be made in the Pay Office: Provided that the paymaster may require such calculations to be first stated in a certificate signed by the solicitor of the party interested.

95.—*Evidence of life, &c.* When any person is entitled, under an order, to receive dividends or other periodical payments from the Pay Office, and the paymaster requires evidence of life or of the fulfilment of any conditions affecting such payments, such evidence may be furnished by a declaration signed by a solicitor acting on behalf of such person, or by a declaration signed by the person entitled to the payment, and attested by a justice of the peace, commissioner to administer oaths, clerk in holy orders, or notary public; and the paymaster shall act on such evidence unless in any case he thinks fit to require such evidence to be by affidavit. The paymaster may prescribe, with the approval of the Treasury, the terms in which such declaration or affidavit shall be made, and the forms to be used for that purpose. The provisions of this rule shall apply to orders made before these rules come into operation, notwithstanding anything as to evidence in such orders contained.

96.—*Affidavits in other cases.* When in carrying into effect the directions of an order evidence is required by the paymaster for any purposes other

than those and act up of 5 & 6 V statutory master sh

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99.—P a request any fund may, in L such fun the day c day, and orders re dealing y certific charging cived no or in wh The pay tion in t certifica the list relating 100.— ties.] U Court, ch transcri such re transcri a like re respect time to 101.— before pare, in time to matter next fo then r which with, of divi tioned The copy t in the The in co signed be m request that s in su solici to sat case 1 102 from much 45, a during carri back from by st 10 any eppa which be a Cou may the 103 cred such



than those included in the immediately preceding rules, he may receive and act upon an affidavit, or upon a statutory declaration under the Act of 5 & 6 Will. 4, c. 62, instead of an affidavit, and every such affidavit or statutory declaration shall be filed in the Central Office when the paymaster shall consider it necessary.

#### XI.—COPIES OF ORDERS AND OTHER DOCUMENTS FOR AUDIT OFFICE.

97.—*Office copy of schedules, &c., to be sent to Audit Office.* An office copy of the schedules to every order in the Chancery Division and in Lunacy, and of every order in the Queen's Bench and Probate, Divorce, and Admiralty Divisions, to be left with and acted upon by the paymaster, shall be transmitted by the proper officer to the Audit Office; and in case of any amendments being made in any such schedule or order, such office copy shall be likewise amended.

98.—*Office copies of certificates and other documents to be sent.* An office copy of every certificate or other authority of a master of the Supreme Court, chief clerk, or taxing officer, or of a master in lunacy, which is to be acted upon by the paymaster, or so much thereof as may be necessary, and an office copy of any certificate, affidavit, or statutory declaration which may be received in evidence by the paymaster, shall, when requested, be transmitted by the proper officer to the Audit Office.

#### XII.—MISCELLANEOUS.

99.—*Paymaster to give certificates of funds in court.* The paymaster upon a request signed by or on behalf of a person claiming to be interested in any funds in court standing to a ledger credit specified in such request, may, in his discretion, issue a certificate of the amount and description of such funds, and such certificate shall have reference to the morning of the day of the date thereof, and shall not include the transactions of that day, and the paymaster shall notify on such certificate the dates of any orders restraining the transfer, sale, delivery out, or payment, or other dealing with the funds in court to the ledger credit mentioned in such certificate, and whether such orders affect principal or interest, and any charging orders, affecting such funds, of which respectively he has received notice, and the names of the persons to whom notice is to be given, or in whose favour such restraining or charging orders have been made. The paymaster may re-date any such certificate, provided that no alteration in the amount or description of the funds has been made since the certificate was issued. And when a cause or matter has been inserted in the list referred to in rule 101, the fact shall be notified on the certificate relating thereto.

100.—*Paymaster may issue transcripts of accounts and furnish other information.* Upon a request signed by or on behalf of a person claiming to be interested in funds in court, the paymaster may, in his discretion, issue a transcript of the account in his books of the ledger credit specified in such request; and if so required by the person to whom it is issued, such transcript shall be authenticated at the Audit Office. He may also upon a like request supply such other information or issue such certificates with respect to any transactions or dealings with funds in court as may from time to time be required in any particular case.

101.—*List of dormant funds, &c., to be made triennially and published.* On or before the 1st day of March in every third year the paymaster shall prepare, in such form and with such particulars as the Treasury may from time to time direct, a list or statement of the ledger credits of causes and matters in the books of the Pay Office (other than those referred to in the next following rule) to which there stood on the 1st day of September then next preceding any securities or any money not less than £50, which money or the dividends on which securities have not been dealt with, otherwise than by the continuous investment or placing on deposit of dividends, during the 15 years immediately preceding the last-mentioned date.

The said list or statement shall be filed in the Central Office, and a copy thereof shall be inserted in the "London Gazette" and exhibited in the several offices of the court.

The paymaster shall not give any information respecting any funds in court mentioned in such list or statement except upon a request signed by the person applying for such information. If such request be made by a solicitor, such information shall not be given unless the request states the name of the person on whose behalf it is made, and that such person is in the opinion of the applicant beneficially interested in such funds. If such request be made by any person other than a solicitor, such information shall not be given unless the applicant is able to satisfy the paymaster that the request is such as may in the particular case be properly complied with.

102.—*Transfer of small balances to a special account.* The paymaster may from time to time carry over to a special ledger account for small balances such ledger credit balances of money and securities as do not amount to £5, and on which the money or securities shall not have been dealt with during the preceding five years. When an order dealing with funds carried over under this rule is to be acted upon, the paymaster shall carry back such funds and any dividends accrued thereon to the ledger credit from which they were so carried over, and shall deal therewith as directed by such order.

103.—*Titles of accounts not to exceed 36 words.* The length of the title of any ledger credit shall not exceed 36 words, exclusive, in the case of a separate account in a cause or matter, of the title of the cause or matter in which such separate account is opened: Provided that if a sufficient reason be assigned to the satisfaction of the registrar or master of the Supreme Court for extending beyond 36 words the title of a ledger credit, such title may be so extended; and the registrar or master shall in such case add to the instruction to open such credit the words "notwithstanding rule 103"; and provided that the paymaster may extend the title of a ledger credit if in his opinion a sufficient reason be assigned for so doing. In such title four figures shall be reckoned as one word.

104.—*Outstanding cheques of late Accountant-General.* Unpaid cheques signed by the late Accountant-General, or any of his predecessors, shall be a sufficient authority to the paymaster for making the payments therein purporting to be intended to be made.

105.—*Index of documents filed.* An index shall be made and kept in the Central Office of all documents by these rules directed to be filed there.

106.—*Names and addresses of suitors.* Upon the request of any person, or of a solicitor acting on behalf of any person, named in an order and entitled to or interested in funds in court, the paymaster shall record, in such manner as he shall consider convenient for reference, the name and address of such person, or of the solicitor for the time being acting on his behalf, and also any change of such address which may be notified to him.

107.—*Paymaster's directions to be issued and signed as Treasury may prescribe.* The directions of the paymaster for giving effect to these rules shall be prepared and issued in such form and manner as the Treasury may from time to time direct, and shall be signed by such officers as the Treasury may prescribe or approve.

108.—*Identification of persons to be paid, &c.* It shall be the duty of the paymaster to comply with any instructions which may be given to him by the Treasury as to the means of identifying any person to whom a direction for payment of money or for delivery of securities out of court is issued, when such identification may be deemed necessary.

109.—*When stocks or shares of companies or other securities are converted.* Whenever any amount or number of stock, shares, or other security in court (in this rule referred to as the original security) is converted into any other stock, shares, or other security (in this rule referred to as the substituted security), so that the description thereof will differ from the description given of the original security in the order or other authority under which the paymaster acts respecting the same, the paymaster shall write off from the ledger credit to which the same may be standing the original security so converted, and shall place to the same ledger credit a proportionate part of the substituted security; and except in so far as any original security may be affected by any order brought to the Pay Office in due time for that purpose, the paymaster shall, as far as may be practicable, give effect to every part of any order or other authority under which he has been acting which shall refer to any such original security so converted as aforesaid, or the dividends thereon, as if it referred to the substituted security or the dividends thereon, but no payments of income shall be made in pursuance hereof without an order in any case where the substituted security is in the nature of a terminable annuity.

110.—*When allotments of new stock are made by companies.* Whenever any allotment letters, scrip allotments, or other securities are allotted or assigned in respect of any sums of stock, or of any shares or other security in court, such allotment letters, scrip allotments, or other securities (excepting such of them, if any, as may be affected by any order of which the paymaster has notice) shall be sold. The money to arise by the said sale shall be paid (without deduction for brokerage) by the broker to the Pay Office Account at the bank and placed in the books of the Pay Office to the respective ledger credits to which the said stock or shares or other security are standing, in respect of which such allotment letters, scrip allotments, or other securities have been allotted or assigned.

111.—*Rules not to apply to district registries.* These rules shall not apply in district registries to funds in court or hereafter lodged in court.

APPENDIX No. 1.—Form of lodgment schedule referred to in rule 5, and specimen lodgment schedules.

APPENDIX No. 2.—Form of payment schedule referred to in rule 6, and specimen payment schedules.

APPENDIX No. 3.—Form of combined lodgment and payment schedule referred to in rule 8.

APPENDIX No. 4.—Form of order for payment in Queen's Bench and Probate, Divorce, and Admiralty Divisions referred to in rule 28.

APPENDIX No. 5.—Form of request for lodgment of money in Chancery Division referred to in rule 30.

APPENDIX No. 6.—Form of request for lodgment or transfer of securities in Chancery Division referred to in rule 30.

APPENDIX No. 7.—Form of request for lodgment in Chancery Division in an action for debt or damages referred to in rule 30.

APPENDIX No. 8.—Form of request for lodgment in Queen's Bench Division referred to in rule 32.

APPENDIX No. 9.—Form of request for lodgment in Probate, Divorce, and Admiralty Division referred to in rule 34.

APPENDIX No. 10.—Form of notice of appropriation of money lodged in Queen's Bench Division under Order XIV. referred to in rule 43.

APPENDIX No. 11 (A).—Form of request for payment of money lodged "in satisfaction" referred to in rule 44 (A).

APPENDIX No. 11 (B).—Form of request for payment of money lodged "against claim" referred to in rule 44 (B).

APPENDIX No. 11 (C).—Form of request for payment of money lodged "as security for costs" referred to in rule 44 (C).

APPENDIX No. 12.—Form of request for a remittance by post of money payable under an order of the court referred to in rule 48.

7th February, 1884.

SILBORNE, C.

We certify that these rules are made with the concurrence of the Commissioners of her Majesty's Treasury.

HUGH C. E. CHILDERS.  
HERBERT J. GLADSTONE.

Mr. Dodds has given notice in the House of Commons of his intention to call attention to the new scale of fees and the new rules of court under the Supreme Court of Judicature, and to move a resolution.

## LEGAL APPOINTMENTS.

Mr. RICHARD WILLIAM CLARENCE HALSE, solicitor, of 61, Cheapside, has been elected Deputy-Governor of the Irish Society of the Corporation of London for the ensuing year. Mr. Halse was admitted a solicitor in 1860. He is a common councilman for Cheap Ward.

Mr. FREDERICK KYNASTON METCALFE, solicitor (of the firm of Gasquet & Metcalfe), of 9, Idol-lane, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. JOHN FORBES, Q.C., has been elected a Benchet of Lincoln's Inn.

Mr. RICHARD HARRY ELLIS, solicitor, of Oswestry, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. CHARLES CHAMPION, solicitor (of the firm of Champion, Robinson, & Poole), of 17, Ironmonger-lane, and of Eastbourne, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. THOMAS BEARD, solicitor, of 20, Basinghall-street, has been elected Chairman of the Markets and Finance Committee of the Common Council for the ensuing year. Mr. Beard was admitted a solicitor in 1858, and he is in partnership with his sons, Mr. Walter James Westcott Beard and Mr. Thomas George Beard. He is a common councilman for Bassishaw Ward, and he has served the office of under-sheriff of London and Middlesex.

Mr. WILLIAM BRYAN, solicitor, of Mansfield, has been elected President of the Nottingham Incorporated Law Society for the ensuing year. Mr. Bryan was admitted a solicitor in 1860.

Mr. HORATIO LLOYD, recorder of Chester, and judge of county courts for Circuit No. 29, has been appointed a Magistrate for Carnarvonshire.

Mr. HENRY JACOB MILLS, solicitor, of Norwich, has been appointed Deputy-Coroner for that city. Mr. Mills was admitted a solicitor in 1860.

Mr. CHARLES NATHAN ARNISON, solicitor, of Penrith, has been appointed Clerk to the Clifton School Board. Mr. Arnison was admitted a solicitor in 1863.

Mr. KEDDEY RAY FISHER, solicitor, of 40, Old Broad-street, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. CHARLES ISAAC ELTON, barrister, who has been elected M.P. for the Western Division of Somersetshire in the Conservative interest, is the eldest son of Mr. Frederick Bayard Elton, and was born in 1839. He was educated at Cheltenham College and at Balliol College, Oxford, where he graduated second class in classics and first class in law and modern history in 1861. He obtained the Vinerian Law Scholarship in 1862, and he was afterwards elected a fellow of Queen's College. He was called to the bar at Lincoln's-inn in Michaelmas Term, 1865, and he practises in the Chancery Division. He is a magistrate for Somersetshire, and he is author of works on the Law of Commons and the Tenures of Kent.

Mr. JOHN TROTTER, second clerk at the Greenwich and Woolwich Police Courts, has been elected Assistant Clerk at the Guildhall Justice Room, in succession to Mr. Joseph Davie, resigned.

Mr. GEORGE MILLER, barrister, has been appointed an Assistant Secretary to the Education Department, in succession to Mr. Patrick Cumlin, who has been appointed secretary to the department. Mr. Miller was formerly fellow of Exeter College, Oxford, where he graduated first class in classics in 1856, and he was called to the bar at Lincoln's-inn in Trinity Term, 1863. He is a senior examiner in the Education Department.

Mr. WILLIAM ASBURY GREENE, solicitor, of 27, Bedford-row, has been elected Honorary Solicitor to the Tithe Redemption Trust, in succession to the late Mr. Simon Dunning. Mr. Greene was admitted a solicitor in 1860.

Mr. JOHN CUTLER, barrister, has been appointed by the Comptroller of Patents to be Editor of the Official Report of Decisions published under the Patents, Designs, and Trade-Marks Act, 1883.

Mr. JOHN FIDLEY MANN, solicitor, of the firm of Alsop, Mann, & Co., of 23, Great Marlborough-street, London, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. HENRY JACOB MILLS, solicitor, of Bank-street, Norwich, has been appointed Deputy Coroner for the City of Norwich, and county of the same city, on the resignation of Mr. S. Harry Asker, who held the appointment for over sixteen years. Mr. Mills was admitted a solicitor in 1860.

Mr. JOHN WALTER BLOMLEY, solicitor, of the firm of Blomley & Son, of Todmorden, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

## DISSOLUTIONS OF PARTNERSHIPS.

SAMUEL JONES and HENRY CHAMPION (Newton, Jones, & Champion), solicitors, East Bedford. Feb. 16. The said Samuel Jones will continue the said business alone.

G. F. MORESBY-WHITE and ALBERT L. SALMOND (Moresby-White, Salmond, & Co.), solicitors, 24, Chancery-lane. Feb. 14.

[Gazette, Feb. 19.]

## OBITUARY.

## MR. WILLIAM CARTER.

Mr. William Carter, solicitor (of the firm of Carter & Atkinson), of Pontefract and Knottingley, died suddenly of apoplexy at the farmhouse place on the 13th ult. Mr. Carter was the son of Mr. Mark Carter, of Howden, and was born in 1814. He served his articles with Mr. Esherburn, of Snaith, and he was admitted a solicitor in 1835. He practised for about two years at Sheffield, but in 1837 he removed to Pontefract, where he resided until his death, having also an office at Knottingley. He was at the time of his death in partnership with Mr. William Henry Burton Atkinson. Mr. Carter had an extensive practice. He was formerly clerk to the Pontefract Street Commissioners and the Pontefract Poor Trustees. He was clerk to the Commissioners of Property, Assessed and Income Taxes for Osgold Cross Hundred, and he had been several times deputy-sheriff for the West Riding of Yorkshire. In 1875 he was appointed deputy-coroner for the honour of Pontefract, and in 1876 he was appointed a magistrate for the borough of Pontefract. Mr. Carter was married in 1858 to the daughter of Mr. John Robson. He was buried at the Pontefract Cemetery on the 17th ult., the funeral being attended by a large number of friends and neighbours, including the mayor and most of the members and officers of the corporation. At the borough police court, on the 14th ult., the mayor, before the commencement of the business, said he should like to express on behalf of the bench their sympathy and the grief they felt on hearing of what had taken place since they last met together. Mr. Carter, their friend and brother, had been taken from them by the hand of death. There was not a man amongst them who was more respected than Mr. Carter. He had known him his years, and had always found him to be an upright and straightforward man, which fact was testified by the number of public offices he held. He therefore hoped that the expression of sympathy evinced by the bench would be conveyed to Mrs. Carter by their clerk. At the Pontefract Quarter Sessions, held on the 25th ult., the recorder (Mr. Cadman) alluded to the high qualities of the deceased, and to the general feeling of sorrow which had been caused by his death.

## MR. GEORGE ESSELL.

Mr. George Essell, solicitor, who was the oldest member of the legal profession in Kent, died at Rochester, on the 23rd ult., in his ninety-third year. Mr. Essell was born in 1790. He spent the early part of his life as a sailor, and he afterwards became a clerk in the office of Mr. Edwin Twopenny, of Rochester, to whom he was afterwards articled. He was admitted a solicitor in 1830, and he was for some time in partnership with Mr. Twopenny. He was next associated with Mr. William Webb Hayward, the present clerk of the peace for Rochester, and during the latter part of his professional career he was in partnership with his son, Mr. George Ketchley Essell, with Mr. George Henry Knight (registrar of the dioceses of Rochester and St. Alban's), and with Mr. Augustus Alfred Arnold. Mr. Essell was for many years chapter clerk of Rochester Cathedral. He had for some time ceased to practise. He had filled the office of mayor of the city of Rochester.

## MR. JOHN PARRY JONES.

Mr. John Parry Jones, solicitor, died at Denbigh on the 28th ult. Mr. Jones was the son of Mr. Peter Jones, and was born in 1816. He was articled to Mr. James Vaughan Horne, of Denbigh, and he was admitted a solicitor in 1848. He had been for several years in partnership with his only son, Mr. John Parry Jones, jun., who was admitted a solicitor in 1871, and is now town clerk of Denbigh, and clerk to the borough magistrates. Mr. Jones was clerk to the county magistrates of Denbigh, and he was a perpetual commissioner for Denbighshire. He was for many years an alderman, and was four times elected mayor of Denbigh—namely, in 1857, 1858, 1873, and 1874. Mr. Jones was a director of the Denbigh Gas Company, and one of the governors of the Grammar School. He had been twice married, and he leaves few children.

## COURT PAPERS.

## SUPREME COURT OF JUDICATURE.

## ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	COURT OF APPEAL.	V. O. BACOS.	Mr. Justice MAY.
Monday, Feb. ....	25 Mr. Farrer	Mr. Koe	Mr. Morville
Tuesday .....	26 Teesdale	Clowes	King
Wednesday .....	27 Farrer	Koe	Morville
Thursday .....	28 Teesdale	Clowes	King
Friday .....	29 Farrer	Koe	Morville
Saturday, March .....	1 Teesdale	Clowes	King
	Mr. Justice CHITTY.	Mr. Justice FRANKS.	Mr. Justice FRANKS.
Monday, Feb. ....	25 Mr. Ward	Mr. Cobby	Mr. Carrington
Tuesday .....	26 Pemberton	Jackson	Lavie
Wednesday .....	27 Ward	Cobby	Carrington
Thursday .....	28 Pemberton	Jackson	Lavie
Friday .....	29 Ward	Cobby	Carrington
Saturday, March .....	1 Pemberton	Jackson	Lavie





**DEVALAN CENTRAL GOLD MINES COMPANY, LIMITED.**—Petition for winding up presented Feb 12, directed to be heard before Bacon, V.C., on Feb 23. Curtis, Lonsdale chbrs, Chancery lane, solicitor for the petitioners.

**GEORGIA LAND, LUMBER, AND COLONIZATION COMPANY, LIMITED.**—Chitty, J., has by an order, dated Nov 6, appointed William Brock Keen, 15, King st, to be official liquidator.

**JAYES' SANITARY COMPOUNDS COMPANY, LIMITED.**—By an made by Bacon, V.C., dated Feb 9, it was ordered that the voluntary winding up of the company be continued. Courtenay and Co, Gracechurch st, solicitors for the petitioners.

**LONDON CONTRACT COMPANY, LIMITED.**—Petition for winding up, presented Feb 12, directed to be heard before Chitty, J., on Feb 23. Carr and Co, Vigo st, solicitors for the petitioner.

**NIGHERBY AND SOUTH INDIAN GOLD MINING SYNDICATE, LIMITED.**—Kay, J., has by an order dated Dec 5, appointed Harry Egerton Knight, 23, Basinghall st, to be official liquidator.

**THAMES NEWSPAPER COMPANY, LIMITED.**—Petition for winding up, presented Feb 4, directed to be heard before Chitty, J., on Feb 23. Kibbey, Chancery lane, solicitor for the petitioner.

**TRUST AND AGENCY COMPANY, LIMITED.**—Petition for winding up, presented Feb 12, directed to be heard before Chitty, J., on Feb 23. Sutton and Ommannay, 64 Winchester st, solicitors for the petitioner.

**WEST LONDON DEPOSIT, LOAN, AND DISCOUNT COMPANY, LIMITED.**—Petition for winding up, presented Feb 11, directed to be heard before Bacon, V.C., on Feb 23. Crook and Carill, Fenchurch st, solicitors for the petitioners.

**YORK TRAMWAYS COMPANY, LIMITED.**—By an order made by Kay, J., dated Feb 8, it was ordered that the voluntary winding up of the company be continued. Heat and Co, Essex st, Strand, agents for Stanley and Co, Bristol, solicitors for the petitioner.

[Gazette, Feb. 15.]

**AUSTRALASIAN FRESH MEAT COMPANY, LIMITED.**—Petition for the continuance of the voluntary winding up, presented Feb 15, directed to be heard before Pearson, J., on Saturday, Mar 1. Want, Clements lane, Lombard st, solicitor for the petitioners.

**CONSOLS BANK, LIMITED.**—Chitty, J., has by an order, dated Dec 18, appointed Samuel Barrow, 28, Gresham st, to be official liquidator.

**ESPARTO TRADING COMPANY, LIMITED.**—Pursuant to an order of Nov 10, 1883, the holders of debenture bonds are required, on or before Feb 20, to send their names and addresses, and the particulars of the debenture bonds, and the names and addresses of their solicitors, to Frederic Edward Hillery, 5, Fenchurch bldgs, and are to attend by themselves or their solicitors at the chambers of Kay, J., on Friday, Mar 7, at 2, for the purpose of producing such debenture bonds, and in default thereof they will be excluded from the benefit of the order.

COUNTY PALATINE OF LANCASTER.

[Gazette, Feb. 19.]

UNLIMITED IN CHANCERY.

**ANCHOR PERMANENT BENEFIT BUILDING SOCIETY, PRESTON.**—Petition for winding up, presented Feb 12, directed to be heard before Bristow, V.C., at St George's Hall, Liverpool, on Feb 25, at 10.30. Ascroft, Preston, solicitors for the petitioners.

[Gazette, Feb. 15.]

STANNARIES OF CORNWALL.

UNLIMITED IN CHANCERY.

**WEST DEVON GREAT CONSOLS MINE.**—Petition for winding up, presented Feb 12, directed to be heard before the Vice-Warden at the Law Institution, Chancery lane, on Mar 5 at 2. Affidavits intended to be used at the hearing in opposition to the petition must be filed at the registrar's office in Truro on or before Mar 1, and notice thereof must at the same time be given to the petitioner, his solicitor, or his agents. Chilcott and Son, Truro, solicitors, agents for Ramskill, Union st, Old Broad st, solicitor for the petitioner.

[Gazette, Feb. 19.]

FRIENDLY SOCIETIES DISSOLVED.

**FRATERNAL BROTHERS, Three Johns, White Lion st, Pentonville.** Feb 13  
**FRIENDLY UNITED SOCIETY, Red Lion Inn, Broadway, Devon.** Feb 11  
**ST STEPHEN'S LODGE, NOTTINGHAM ACADEMY IMPERIAL UNITED ORDER OF ODD FELLOWS, Vine Hotel, Addy st, Sheffield.** Feb 13

**VALENTIA CLUB, School House, Blechnington, Oxford.** Feb 13  
**DEVIDE'S HOME LODGE, ORDER OF DEVIDE'S FRIENDLY SOCIETY, Horse and Jockey Inn, Hawkebury, Warwick.** Feb 12

[Gazette, Feb. 15.]

**GAWWORTH FRIENDLY DIVIDED SOCIETY, Harrington Arms, Gawworth, Chester.** Jan 16  
**GAWWORTH FRIENDLY DIVIDED SOCIETY, Harrington Arms, Gawworth, Chester.** Jan 16

[Gazette, Feb. 19.]

## CREDITORS' CLAIMS.

CREDITORS UNDER ESTATES IN CHANCERY.  
LAST DAY OF PROOF.

**BUTTERWORTH, JOHN, Stony, Rochdale, Lancaster, Gent.** Mar 7. Butterworth v Whitworth, Chitty, J. Backham, Lincoln's inn fields.  
**COOPER, WILLIAM, Bathern, Leicester, Farmer.** Mar 2. Watts v Cooper, Pearson, J. Bartlett, Loughborough.

**HANBURY, HAROLD CHARLES, Bishop's Sutton, Southampton, Gent.** Mar 7. Yates v Hanbury, Bacon, V.C. Clapham, Bishopsgate st Without.  
**HILLIER, MORRIS, Audlem, Chester, Butcher.** Mar 8. Malpass v Belliss, Chitty, J. Belliss, Audlem.

[Gazette, Feb. 8.]

**BOWTER, Sir GEORGE, Radley Park, Berks.** Mar 17. Damber v Bowyer, Kay, J. Markby and Co, Coleman st.  
**PARSONS, GEORGE, Barking, Essex, Innkeeper.** Feb 27. Parsons v Pycroft, Bacon, V.C. Cree, Gray's inn sq.

**YATES, JOHN, Ryde, Hants, Gent.** Mar 12. Yates v Nobis, Chitty, J. Stocker, St Mary Axe.

[Gazette, Feb. 12.]

**BELL, JOSEPH, Leicester.** Mar 17. Parry v Bell, Pearson, J. Wright, Leicester.  
**HAYES, JOHN, Romford, Essex, Farmer.** Mar 15. Hayton v Hayes, Pearson, J. Whistly, New inn, Strand.

**NEALE, HENRY, Salisbury, Painter.** Mar 10. Barnes v Neale, Chitty, J. Powning, Salisbury.  
**PETERS, THOMAS WHITEFIELD, Shrewsbury, Esq.** Mar 12. Abbott v Peters, Chitty, J. Peters, Knighton.

[Gazette, Feb. 15.]

**ASSURANTON, Right Hon HORTENSE EUGENIE CLAIRE, Baronesse, Paris.** Mar 14. Baring v Assuranton, Chitty, J. Broughton, 64 Marlborough st.  
**SMITH, ELIZABETH, Bolton, Gloucester.** Mar 12. Smith v Courtney, Pearson, J. White, Bedford Row.

[Gazette, Feb. 19.]

CREDITORS UNDER 22 & 23 VICT. CAP. 35.  
LAST DAY OF CLAIM.

**AMES, ABRAHAM MARKELL, Antill rd, Grove rd, Bow, Master Mainer.** Mar 8. Hilbery, Billiter st.  
**BALLARD, GEORGE SEYMOUR, Sale, Chester, Licensed Victualler.** Mar 10. Walsby, Manchester.

**CASTLE, THOMAS, Kingston upon Hull, Gent.** Apr 2. Thorney, Hull.  
**COX, WALTER WILLIAM, Bosham, Sussex, Grocer.** Apr 19. Knapp, Marylebone.

**DANIELS, WILLIAM, Devonshire st, Lisson Grove, Stevedore.** Mar 15. Fox, Mary's sq, Paddington.  
**DILEX, ASHTON WESTWORTH, Hyde park gate South, Newspaper Proprietor.** Mar 8. Fladgate and Co, Craven st, Strand.

**FLETCHER, MARIANNE, Iford, Essex.** Mar 25. Baddeley, Leman st.  
**HEADON, PETER, Hordfield, Gloucester, Farmer.** Mar 25. Wise, Bristol.

**HEATON, HANNAH, Bury, Lancaster.** Mar 18. Grundy, Bury.  
**HICKMAN, JOHN, Wolverhampton, Timber Merchant.** Apr 2. Colebourn, Wolverhampton.

**HOPPE, FREDERICK, Redmans row, Mile End.** Mar 1. Gush and Co, Finsbury circus.  
**HUGH, THOMAS, Chilwell, Nottingham. Retired Malster.** Mar 20. Spence, Nottingham.

**HULME, BETTY, Anfield, nr Liverpool.** Mar 15. Rudd, Liverpool.  
**IRMAN, JOHN ALFRED, Liverpool, Watchmaker.** Mar 20. Toulmin and Co, Liverpool.

**IVIE, Rev CORNELIUS, Braden House, Northampton, Clerk.** Mar 15. Park and Co, Essex st, Strand.  
**JURDISON, JANE, Sunderland.** Mar 14. Graham and Shepherd, Sunderland.

**JURDISON, THOMAS, Easington, Durham, Farmer.** Mar 15. Graham and Shepherd, Sunderland.  
**MITCHELL, MARY ANN, Devonport rd, Shepherd's Bush.** Mar 15. Fox, St Mary's sq, Paddington.

**MOORHOUSE, JAMES, Stockport, Chester, Cotton Thread Manufacturer.** Mar 15. Newton, Stockport.  
**PERRY, HOY, ELIZABETH CHARLOTTE, Cottingham, Northampton.** Mar 4. Paine and Co, Lincoln's inn fields.

**PUTTRELL, FRANCIS, Ramsey, Hunts, Farmer.** Mar 1. Watts, St Ives.  
**ROBINSON, GEORGE, Brunswick rd, Kensington, Captain Indian Navy.** Mar 1. Hennessey, Leadenhall st.

**SHAW, MARY ANN, Bury, Lancaster.** Mar 10. Grundy, Bury.  
**SIMCOX, THOMAS, Halifax, Ironfounder.** Mar 26. Robson and Suter, Halifax.

**SLADE, HENRY, Plymouth, Retired Fleet Surgeon H.M. Navy.** Apr 20. Whiteford and Bennett, Plymouth.  
**SMITH, THOMAS HUDSON, Leeds, Beerseller.** Mar 21. Bottomley, Huddersfield.

**STOKES, THOMAS NEWTON, Clement's lane, Ironmonger.** Mar 20. Robinson, Philipot lane.  
**TAYLOR, BETTY, Rawtenstall, Lancaster.** Mar 8. Holland and Callis, Blackburn.

**TURNER, ELIZABETH, Kingston upon Hull.** Apr 2. Thorney, Hull.  
**TYERS, JAMES, Leicester, Gent.** Mar 25. Stevenson and Son, Leicester.

**WHEELER, THOMAS RIVINGTON, Ramsgate, Esq.** Mar 25. Street and Poynd, Lincoln's inn fields.  
**WOOD, JAMES, Ullingswick, Hereford, Farmer.** Mar 5. Lloyd and Son, Leominster.

[Gazette, Feb. 8.]

At the Auction Mart, on Tuesday last, Messrs. Thurgood & Martin sold the freehold estate, late the property of Lord Hatherley, comprising in all about half an acre, including nearly the entire western side of St. Andrew's-hill, and the whole of New-street, Ireland-yard, and Friar-street, with the exception of three houses, in all twenty-four properties, producing a present about £1,300 per annum, at high prices, the total result being £49,020.

## SALES OF ENSUING WEEK.

Feb. 26.—Messrs. DERENHAM, TAWSON, FARMER, & BRIDGWATER, at the Mart, at 2 p.m., Freehold Property (see advertisement, Feb. 9, p. 3); and Ground Rents (see advertisement, this week, p. 3).  
Feb. 28.—THE STOCK, SHARE, AND ADVANCE CO., at 58, Lombard-street, at 3 p.m.

## BIRTHS, MARRIAGES, AND DEATHS.

## BIRTHS.

**ATKINSON.**—Feb. 13, at Upper Bank House, Horsforth, Leeds, the wife of E. Tindal Atkins, barrister-at-law, of a son.

**LAMB.**—Feb. 14, at 288, Norwood-road, S.E., the wife of Charles Edward Trimmer Lamb, solicitor, of a daughter.

**POSTER.**—Feb. 14, at Richmond, Surrey, the wife of John C. Porter, solicitor, of a daughter.

## MARRIAGES.

**HENRY-METCHEM.**—Feb. 14, at Petersham, Surrey, Alfred Henry, solicitor, Dublin, to Laura Girdham, daughter of the late W. F. Metchem, Petersham Lodge, Petersham.

## LONDON GAZETTES.

## Bankrupts.

TUESDAY, Feb. 19, 1884.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

**Jackson, George, Newton rd, Bayswater.** Pet Feb 13. Brougham. Mar 4 at 11.  
**Terranceau, Charles George Ernest, Bucklersbury, Promoter of Public Companies.** Pet Dec 17. Poynt. Mar 8 at 11.

Liquidations by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Feb. 15, 1884.

**Peyton, Edward, Bedstead Manufacturer, Dudley, Warwick.** Feb 20 at 12 at Queen's and North Western Hotel, Birmingham. Sharpe and Co, New St, Carey st.



Spencer, William George, Vassall rd, Brixton, Watchmaker. Feb 23 at 3 at offices of Aird, Brabant & Philpot Lane

TUESDAY, Feb. 19, 1884.

Howell, Thomas Marson, Stockwell rd, General Dealer. Feb 20 at 2 at offices of Tippetts and Son, Maiden Lane, Queen st  
 Peyton, Edward, Holborn viaduct, Metallic Bedstead Manufacturer. Feb 23 at 12 at Queen's and North-Western Hotel, Birmingham. Sharpe and Co, New St, Chancery

### THE BANKRUPTCY ACT, 1880.

FRIDAY, Feb. 15, 1884.

### RECEIVING ORDERS.

Anderson, Adam Hay, Colby rd, Gipsy Hill, no occupation. High Court. Pet Jan 20. Ord Feb 12. Exam Mar 3 at 12  
 Barnes, John, Llangibby, Monmouthshire, Farmer. Newport (Mon.). Pet Jan 14. Ord Feb 11. Exam Mar 12  
 Barnes, Harriett, Brighton, Sussex, Widow. High Court. Pet Jan 24. Ord Feb 12. Exam Mar 8 at 12  
 Boyd, Thomas, Durham, Ironmonger. Durham. Pet Feb 12. Ord Feb 12. Exam Feb 28 at 9.30  
 Brooke, Thomas Farnell, Wallington, Surrey, Warehouseman. High Court. Pet Feb 12. Ord Feb 12. Exam Mar 10 at 11  
 Calt, James, Battle, Sussex, Surveyor. Hastings. Pet Feb 8. Ord Feb 8. Exam Mar 3 at 2  
 Catterall, Alfred, Liscard, House Agent. Birkenhead. Pet Feb 12. Ord Feb 12. Exam Feb 28 at 11  
 Clark, Charles, and George Clark, Friar St, Doctors' commons, Bookbinders. High Court. Pet Feb 14. Ord Feb 14. Exam Mar 19 at 11  
 Collinson, Joseph, Fleetwood, Lancashire, Shipwright. Preston. Pet Feb 12. Ord Feb 12. Exam Feb 22  
 Cross, Joseph, New Headington, Oxfordshire, Baker. Oxford. Pet Feb 12. Ord Feb 12. Exam Mar 20 at 12  
 Day, William, Snoddington, Hampshire, Farmer. Salisbury. Pet Feb 12. Ord Feb 12. Exam Feb 27 at 8  
 Duke, Richard James, Maidenhead, Berkshire, Gent. High Court. Pet Jan 21. Ord Feb 12. Exam Mar 7 at 11  
 Dyson, Sarah, Halifax, Yorkshire, Broker. Halifax. Pet Feb 12. Ord Feb 12. Exam Mar 12  
 Farmer, Thomas, Blackpool, Lancashire, Watchmaker. Preston. Pet Feb 11. Ord Feb 11. Exam Feb 22  
 Gadd, Mary Matilda, Birmingham, Licensed Victualler. Birmingham. Pet Jan 24. Ord Feb 11. Exam Mar 12  
 Gaddard, Charles, Butterwick, Lincolnshire, Farmer. Boston. Pet Jan 23. Ord Feb 12. Exam Mar 6  
 Graham, William Stewart, Broadway, Westminster, Gent. High Court. Pet Jan 25. Ord Feb 12. Exam Mar 7 at 11  
 Gratton, David, Wirksworth, Derbyshire, Carrier. Derby. Pet Feb 11. Ord Feb 12. Exam Mar 8 at 10  
 Hall, Thomas, Brockworth, Gloucestershire, Farmer. Gloucester. Pet Feb 7. Ord Feb 12. Exam Mar 4  
 Lawson, George, Markby, Lincolnshire, Blacksmith. Boston. Pet Feb 12. Ord Feb 12. Exam Mar 6  
 Leighton, Jacob, Farsley, Yorkshire, Painter. Bradford. Pet Feb 11. Ord Feb 12. Exam Feb 28  
 Lawrence, George, Gledthorpe, Huddersfield, out of business. Huddersfield. Ord under sec 103. Ord Feb 12. Exam Mar 7 at 10  
 Langman, George, Titchfield, Hampshire, Farmer. Portsmouth. Pet Feb 12. Ord Feb 12. Exam Mar 3  
 Middleton, Albert Rupert, Birmingham, Electro Plate Maker. Birmingham. Pet Feb 12. Ord Feb 12. Exam Mar 13  
 Mitchell, Charles Moore, Wresale, nr Howden, Yorkshire, Commission Agent. Kingston upon Hull. Pet Feb 12. Ord Feb 12. Exam Feb 25 at 12  
 Mounfield, George, Sheffield, Yorkshire, Grocer. Sheffield. Pet Feb 12. Ord Feb 12. Exam Feb 25 at 11.30  
 Reynolds, Edwin James, Exeter, Devon, Wholesale Shoe Mercer. Exeter. Pet Feb 12. Ord Feb 12. Exam Feb 27 at 2  
 Rimmer, Robert, Southport, Lancashire, Joiner. Liverpool. Pet Feb 11. Ord Feb 11. Exam Feb 21 at 10  
 Schofield, Thomas, Oldham, Lancashire, Builder. Oldham. Pet Feb 12. Ord Feb 12. Exam Mar 12 at 12  
 Sharp, Alfred Joel, Spalding, Lincolnshire, Chemist. Peterborough. Pet Feb 11. Ord Feb 11. Exam Mar 3 at 12  
 Shelton, Frances Tomasina, Bedford. Bedford. Pet Feb 12. Ord Feb 12. Exam Mar 13  
 Smaile, John, Frithelstock, Devon, Farmer. Barnstaple. Pet Feb 12. Ord Feb 12. Exam Feb 23  
 Smith, Sidney, The Rise, Lordship Lane, East Dulwich, Oil and Colourman. High Court. Pet Feb 12. Ord Feb 12. Exam Mar 4 at 11  
 Stone, Henry Hill, Sparkhill, nr Birmingham, General Letter Press Printer. Birmingham. Pet Feb 6. Ord Feb 12. Exam Mar 13  
 Sykes, Robert, Bristol, Merchant. Bristol. Pet Feb 1. Ord Feb 12. Exam Feb 25  
 Symons, William Edward, Plymouth, Devonshire, Licensed Victualler. East Stonehouse. Pet Feb 9. Ord Feb 11. Exam Mar 11 at 12  
 Whitfield, Samuel Benjamin, Edgbaston, Birmingham, Bedstead Manufacturer. Birmingham. Pet Feb 12. Ord Feb 12. Exam Mar 13  
 Willshaw, Joseph, Hanley, Staffordshire, Licensed Victualler. Hanley. Pet Feb 11. Ord Feb 11. Exam Mar 4 at 11  
 The following Amended Notice is substituted for that published in the London

Gazette of the 8th of February, 1884.

Sainsbury, Francis Charles Barrett, Newcastle under Lyme, Staffordshire, Engineer. Hanley. Pet Feb 5. Ord Feb 6. Exam Mar 12 at 11

### FIRST MEETINGS.

Barnes, John, Llangibby, Monmouthshire, Farmer. Feb 25 at 12. Official Receiver, 34, Bridge St, Newport (Mon.)  
 Boyd, Thomas, Durham, Ironmonger. Feb 23 at 12. Hat and Feather Inn, Durham  
 Bittell, John Shaw, High Wycombe, Buckinghamshire, Baker. Feb 23 at 12.30. Red Lion Hotel, High Wycombe  
 Brown, John Oliver, and William Fowler, Lancaster St, Borough, Money Lenders. Feb 23 at 3. Bankruptcy Offices, Lincoln's Inn fields  
 Calt, James, Battle, Sussex, Surveyor. Feb 22 at 12. George Hotel, Battle.  
 Catterall, Alfred, Liscard, House Agent. Feb 25 at 2. 48, Hamilton sq, Birkenhead  
 Cross, Joseph, New Headington, Oxfordshire, Baker. Feb 20 at 11.30. Official Receiver, 128, High St, Oxford  
 Day, William, Snoddington, Hampshire, Farmer. Feb 27 at 11.30. Official Receiver, City chhrs, Salisbury  
 Dye, Frederick William, and Alfred Clark, Beckenham, Kent. Feb 22 at 2. Official Receiver, 100, Victoria St, Westminster  
 Dyson, Sarah, Halifax, Yorkshire, Broker. Feb 25 at 12. Official Receiver, Town-hall chhrs, Crossley St, Halifax  
 Farmer, Thomas, Blackpool, Lancashire, Watchmaker. Feb 25 at 3. Official Receiver, Chapel St, Preston  
 Gadd, Mary Matilda, Birmingham, Warwickshire, Licensed Victualler. Feb 25 at 11. Official Receiver, Whitehall chhrs, Colmore row, Birmingham  
 Johnston, Francis Henry, St Martin's Is Grand, Clerk. Feb 23 at 11. 38, Carey St, Lincoln's Inn

Keighley, Jacob, Farsley, Yorkshire, Painter. Feb 25 at 11. Official Receiver, Ivegate chhrs, Bradford

Middleton, Albert Rupert, Birmingham, Warwickshire, Electro Plate Manufacturer. Feb 27 at 3. Official Receiver, Whitehall chhrs, Colmore row, Birmingham

Mitchell, Charles Moore, Wresale, nr Howden, Yorkshire, Commission Agent. Feb 25 at 10. Law Society, Bowdley lane, Hull

Morgan, William, Frome St, St Peter's St, Islington, Cowkeeper. Feb 22 at 11. 38, Carey St, Lincoln's Inn

Mounfield, George, Sheffield, Yorkshire, Grocer. Feb 26 at 2. Law Society, Hoole's chhrs, Bank St, Sheffield

Parkin, George Huxtable, Ilfracombe, Devonshire, Grocer. Feb 23 at 2. 2, The Square, Barnstaple

Price, George, Roselyn gardens, South Hampstead, Builder. Feb 22 at 12. Bankruptcy Offices, Lincoln's Inn fields

Reynolds, Edwin James, Exeter, Devonshire, Wholesale Shoe Mercer. Feb 26 at 11. Official Receiver, 12, Bedford circus, Exeter

Rimmer, Robert, Southport, Lancashire, Joiner. Feb 21 at 2. Official Receiver, Lisbon bldgs, Victoria St, Liverpool

Schofield, Thomas, Oldham, Lancashire, Builder. Feb 26 at 2. Townhall, Oldham

Sharp, Alfred Joel, Spalding, Lincolnshire, Chemist. Feb 25 at 2. County Courts Offices, Peterborough

Shelton, Frances Tomasina, Bedford. Feb 27 at 10. 5, St Paul's sq, Bedford

Symons, William Edward, Plymouth, Devonshire, Licensed Victualler. Feb 25 at 3. Official Receiver, 15, Frankfort St, Plymouth

Stone, Henry Hill, Sparkhill, nr Birmingham, General Letter-press Printer. Feb 25 at 5. Luke Jenson Sharp, Whitehall chambers, Colmore row, Birmingham

Taylor, Albert, Thrapston, Northamptonshire, Innkeeper. Feb 25 at 3. King's Arms Inn, Thrapston

Williams, John, Llanwrtyd, Brecon, Farmer. Feb 23 at 12. Townhall, Llan-doverly

Willshaw, Joseph, Hanley, Staffordshire, Licensed Victualler. Feb 25 at 11. Official Receiver, Nelson pl, Newcastle under Lyme

Wilson, Edward, Boston, Lincolnshire, Clerk. Feb 27 at 12. Official Receiver, 46, High St, Boston

The following Amended Notice is substituted for that published in the London Gazette of the 8th February, 1884.

Sainsbury, Francis Charles Barrett, Newcastle under Lyme, Staffordshire, Engineer. Feb 23 at 2. The North-Western Hotel, Stafford

### ADJUDICATIONS.

Barnes, John, Llangibby, Monmouthshire, Farmer. Newport, Mon. Pet Jan 21. Ord Feb 12

Brooke, Thomas Farnell, Wallington, Surrey, Warehouseman. High Court. Pet Feb 12. Ord Feb 12

Brown, John Oliver, and William Fowler, Lancaster St, Borough, Money Lenders. High Court. Pet Jan 17. Ord Feb 11

Catterall, Alfred, Liscard, House Agent. Birkenhead. Pet Feb 12. Ord Feb 12

Crake, George, Scarborough, Yorkshire, Coal Merchant. Scarborough. Pet Feb 6. Ord Feb 11

Evans, Mary, Dwygtyld, Carnarvonshire, Grocer. Bangor. Pet Jan 16. Ord Feb 9

Felgett, William John, Ipswich, Engineer. Ipswich. Pet Jan 29. Ord Feb 12

Harrison, Richard Patch, Honiton, Devonshire, Tinner. Exeter. Pet Jan 29. Ord Feb 12

Keighley, Jacob, Farsley, Yorkshire, Painter. Bradford. Pet Feb 11. Ord Feb 12

Longman, George, Swanwick, Hampshire, Farmer. Portsmouth. Pet Feb 12. Ord Feb 12

Mitchell, Charles Moore, Wresale, Yorkshire, Commission Agent. Kingston on Hull. Pet Feb 12. Ord Feb 12

Mounfield, George, Sheffield, Yorkshire, Grocer. Sheffield. Pet Feb 12. Ord Feb 12

Oddie, Wilson, Cockermouth, Earthenware Maker. Cockermouth. Pet Feb 8. Ord Feb 12

Plaxton, William, Scarborough, Yorkshire, no occupation. Scarborough. Pet Feb 6. Ord Feb 11

Smith, Sidney, The Rise, Lordship Lane, East Dulwich, Oil and Colourman. High Court. Pet Feb 12. Ord Feb 12

Taylor, Henry, Kirkham, Lancashire, Grocer. Preston. Pet Feb 6. Ord Feb 12

Wade, Herbert, Ditton, nr Maidstone, Kent, Grocer. Maidstone. Pet Jan 25. Ord Feb 11

Willshaw, Joseph, Hanley, Staffordshire, Licensed Victualler. Hanley. Pet Feb 11. Ord Feb 11

Wilson, Edward, Boston, Lincolnshire, Clerk. Boston. Pet Feb 6. Ord Feb 8

Zappert, Hermann, Charterhouse bldgs, General Warehouseman. High Court. Pet Jan 24. Ord Feb 12

TUESDAY, Feb. 19, 1884.

### RECEIVING ORDERS.

Badcock, Richard, Abingdon, Berkshire, Auctioneer. Oxford. Pet Feb 16. Ord Feb 16. Exam Mar 20 at 12

Biddle, James, Rathy, Leicestershire, Beerhouse Keeper. Leicester. Pet Feb 8. Ord Feb 15. Exam Mar 10 at 10

Brown, William Henry, Minster, Kent, Farmer. Canterbury. Pet Feb 18. Ord Feb 14. Exam Feb 29

Carnegie, James Moir, Newtown, Brewer. Newtown. Pet Jan 21. Ord Feb 14. Exam Feb 28

Chattaway, William Clarke, Leamington, Warwickshire, Wine Merchant. Warwick. Pet Feb 12. Ord Feb 13. Exam Feb 28

Cuming, Henry, Liverpool, Ship Store Dealer. Liverpool. Pet Feb 14. Ord Feb 14. Exam Feb 25 at 2

Gower, Henry, and Frederick Pettipher, Little Iford, Essex, Builders. High Court. Pet Feb 13. Ord Feb 13. Exam Mar 7 at 11

Grant, Duncan Joseph, Pontre, Ystradgwydr, nr Pontypridd, Artist. Pontypridd. Pet Feb 15. Ord Feb 15. Exam Mar 14 at 12

Hugh, Thomas Wilton, Prescott, Lancashire, Brewer. Liverpool. Pet Feb 15. Ord Feb 15. Exam Feb 25 at 10

Hampshire, Oliver White, Wakefield, Rag Merchant. Wakefield. Pet Feb 15. Ord Feb 16. Exam Mar 13 at 11

Higgin, Richard, Dukinfield, Cheshire, Tallow Chandler. Ashton under Lyne. Pet Feb 9. Ord Feb 13. Exam Feb 21

Holmes, Jane, William Henry Holmes, and John Holmes, Guiseley, Yorkshire, Cloth Manufacturers. Leeds. Pet Feb 15. Ord Feb 15. Exam Feb 27 at 11

Howard, Henry A., Swansea, Glamorganshire, Grocer. Neath. Pet Jan 21. Ord Feb 14. Exam Feb 28 at 11

James, George William, Brighton, Mineral Water Manufacturer. Brighton. Pet Feb 12. Ord Feb 15. Exam Mar 6 at 12

James, William, Bath, Boot Manufacturer. Bath. Pet Feb 18. Ord Feb 18. Exam Mar 6

Kinch, Charles, Liverpool, Bookseller. Liverpool. Pet Feb 14. Ord Feb 15. Exam Feb 25 at 10.30

Lake, Matilda, Devonport, Devonshire, Earthenware Dealer. East Stonehouse. Pet Feb 12. Ord Feb 14. Exam Mar 12 at 12

**Law, Walter William, Birmingham, Colour Manufacturer.** Birmingham. Pet Feb 14. Ord Feb 14. Exam Mar 13  
**Lawson, Joseph, York, Rope-maker.** York. Pet Feb 15. Ord Feb 15. Exam Mar 10  
**Lester, Thomas, Littlebourne, Kent, Bricklayer.** Canterbury. Pet Feb 14. Ord Feb 14. Exam Feb 29  
**Ling, Arthur, Northampton, Ironmonger.** Northampton. Pet Feb 18. Ord Feb 16. Exam Mar 12  
**Pearson, William, Carlton, Cambridgeshire, Shopkeeper.** Cambridge. Pet Feb 16. Ord Feb 16. Exam Feb 27 at 1  
**Pelham, Thomas Kent, Belsize sq, Hampstead, Artist.** High Court. Pet Feb 14. Ord Feb 14. Exam Mar 13 at 11  
**Phelps, William, Harford Glover, Weston super Mare, Somersetshire, M.D.** Bridgewater. Pet Feb 15. Ord Feb 15. Exam Feb 27 at 11  
**Sandell, John Charles, Felpham, near Bognor, Sussex, of no occupation.** Brighton. Pet Feb 14. Ord Feb 14. Exam Mar 6  
**Seaton, Henry Francis, Windsor, Coal Merchant.** Windsor. Pet Feb 4. Ord Feb 14. Exam Mar 7 at 12  
**Speed, Rowland Drewry, Nottingham, Auctioneer.** Nottingham. Pet Feb 14. Ord Feb 14. Exam Mar 14  
**Stables, Charles, Blime Farm, near Lichfield, Farmer.** Walsall. Pet Jan 30. Ord Feb 14. Exam Mar 3  
**Turner, John Thomas, Byfield, Northamptonshire, Hay Dealer.** Northampton. Pet Feb 16. Ord Feb 16. Exam Mar 12  
**Tye, William, Ipswich, Builder.** Ipswich. Pet Feb 14. Ord Feb 14. Exam Mar 13 at 12.30  
**Tyler, Joseph, Stroud, Gloucestershire, Bootmaker.** Gloucester. Pet Feb 9. Ord Feb 16. Exam Mar 13  
**Ward, Frederick William, Horbury-lane Dye Works, near Wakefield, Dyer.** Wakefield. Pet Feb 12. Ord Feb 14

## FIRST MEETINGS.

**Anderson, Adam Hay, Colby rd, Gipsy hill, no occupation.** Feb 26 at 2. 33, Carey st, Lincoln's inn  
**Berriman, Henry Arthur, Laurence Pountney hill, Architect.** Feb 28 at 3. 33, Carey st, Lincoln's inn  
**Biddle, James, Radby, Leicestershire, Beerhouse Keeper.** Feb 29 at 12. Official Receiver, 28, Friar lane, Leicester  
**Brooks, William Thomas, Harrow rd, Paddington, Bootmaker.** Feb 28 at 12. 33, Carey st, Lincoln's inn  
**Brown, William Henry, Minster, Kent, Farmer.** Feb 27 at 11. 73, High st, Ramsgate  
**Carmegie, James Moir, Newtown, Montgomeryshire, Brewer.** Feb 28 at 2. Public Rooms, Newtown  
**Chattaway, William Clarke, Leamington, Warwickshire, Wine Merchant.** Feb 26 at 11. 40, Parade, Leamington  
**Collinson, Joseph, Fleetwood, Lancashire, Shipwright.** Feb 26 at 2. Whitworth Institute, Fleetwood  
**Cox, William Joseph, Portobello rd, Notting hill, Furnishing Upholsterer.** Feb 27 at 11. 33, Carey st, Lincoln's inn  
**Cuning, Henry, Liverpool, Ship Store Dealer.** Feb 27 at 12. Official Receiver, Lisbon bldgs, Victoria st, Liverpool  
**Fontaine, Eugene, Wardour st, Soho, French Bootmaker.** Feb 26 at 12. 33, Carey st, Lincoln's inn  
**Goddard, Charles, Butterwick, Lincolnshire, Farmer.** Feb 27 at 12.30. Official Receiver, 48, High st, Boston  
**Grant, Duncan Joseph, Pentre, Ystradfydwg, nr Pontypridd, Glamorganshire, Artist.** Feb 29 at 3. Official Receiver, 64, High st, Merthyr Tydfil  
**Gratton, David, Wirksworth, Derbyshire, Currier.** Feb 27 at 2. Official Receiver, St James's chbrs, Derby  
**Haigh, Thomas Wilton, Prescot, Lancashire, Brewer.** Feb 27 at 3. Official Receiver, Lisbon bldgs, Victoria st, Liverpool  
**Hall, Thomas, Huelcote, Gloucestershire, Farmer.** Feb 26 at 3. Official Receiver, 84, Barton st, Gloucester  
**Hampshire, Oliver White, Wakefield, Rag Merchant.** Feb 28 at 11. Official Receiver, Southgate chbrs, Southgate, Wakefield  
**Hewson, George, Markby, Lincolnshire, Blacksmith.** Feb 27 at 1.30. Official Receiver, 48, High st, Boston  
**Higgin, Richard, Dukinfield, Cheshire, Tallow Chandler.** Feb 27 at 2. Official Receiver, Townhall chbrs, Ashton under Lyne  
**Howard, Henry A., Swansea, Glamorganshire, Grocer.** Feb 28 at 11. Castle Hotel, Neath  
**James, George William, Brighton, Mineral Water Manufacturer.** Feb 29 at 2. 160, North st, Brighton  
**Kinch, Charles, Liverpool, Bookseller.** Feb 29 at 12. Official Receiver, Lisbon bldgs, Victoria st, Liverpool  
**Knox-Gore, Anne Magdalen Louisa, Oxford terrace, Edgware rd.** Feb 27 at 11. 145, Cheapside  
**Lake, Matilda, Devonport, Devonshire, China and Earthenware Dealer.** Feb 28 at 3. Official Receiver, 18, Frankfort st, Plymouth  
**Laurence, George, Huddersfield, out of business.** Feb 27 at 3. Law Society, New st, Huddersfield  
**Law, Walter William, Birmingham, Colour Manufacturer.** Feb 27 at 11. Official Receiver, Whitehall chbrs, Colmore row, Birmingham  
**Lawson, Joseph, York, Rope-maker.** Feb 28 at 12. Official Receiver, 17, Blake st, York  
**Lester, Thomas, Littlebourne, Kent, Bricklayer.** Feb 27 at 3. 32, St George's st, Canterbury  
**Ling, Arthur, Northampton, Ironmonger.** Feb 28 at 12. County Court bldgs, Northampton  
**Pearson, William, Carlton, Cambridgeshire, Shopkeeper.** Feb 29 at 3. Ellison and Co, solicitors, Haverhill, Suffolk  
**Rosset, Otto, Old Broad st, Foreign Banker.** Feb 28 at 2. 33, Carey st, Lincoln's inn

**Sandell, John Charles, Felpham, nr Bognor, Sussex, no occupation.** Feb 27 at 12. Official Receiver, 180, North st, Brighton  
**Smale, John, Frithelstock, Devon, Farmer.** Feb 26 at 12. The Coffee Tavern, Torrington  
**Smyth, Sydney, The Rise, Lordship lane, East Dulwich, Oil and Colourman.** Mar 4 at 10.30. 83, Carey st, Lincoln's inn  
**Stubbs, Charles, Binn's Farm, nr Lichfield, Farmer.** Feb 28 at 12. Official Receiver, Bridge st, Walsall  
**Sykes, Robert, Bristol, Merchant.** Feb 27 at 12. Official Receiver, Bank chbrs, Corn st, Bristol  
**Turner, John Thomas, Byfield, Northamptonshire, Hay Dealer.** Feb 28 at 10. County Court bldgs, Northampton  
**Tye, William, Ipswich, Builder.** Feb 28 at 12. Official Receiver, 2, Westgate st, Ipswich  
**Ward, Frederick William, Horbury, nr Wakefield, Dyer.** Feb 27 at 11. Official Receiver, Southgate chbrs, Southgate, Wakefield  
**Whitfield, Samuel Benjamin, Edgbaston, Birmingham, Bedstead Maker.** Feb 29 at 11. Queen's Hotel, Birmingham  
**Wick, John, Queenhithe, Wholesale Stationer.** Feb 26 at 12. Bankruptcy Office, 84, Lincoln's inn fields  
The following Amended Notice is substituted for that published in the London

Gazette of the 15th February, 1884.

**Brown, John Oliver, and William Towler, Lancaster st, Borough, Moneylenders.** Feb 22 at 2. Bankruptcy Office, Lincoln's inn fields

## ADJUDICATIONS.

**Baker, George, and Arthur Gravatt, Seaford, Sussex, Builder s.** Lewes. Pet Jan 17. Ord Feb 15  
**Camm, Walter Green, Hanley, Toy and General Dealer.** Hanley. Pet Feb 8. Ord Feb 15  
**Chattaway, William Clarke, Leamington, Warwickshire, Wine Merchant.** Warwick. Pet Feb 12. Ord Feb 18  
**Cranston, Robert, and William Pickersgill Cranston, Gateshead on Tyne, Timber Merchants.** Newcastle upon Tyne. Pet Jan 26. Ord Feb 14  
**Cuning, Henry, Liverpool, Ship Store Dealer.** Liverpool. Pet Feb 14. Ord Feb 14  
**Dickinson, Edward, Grantham, Lincolnshire, Smallware Dealer.** Nottingham. Pet Jan 29. Ord Feb 15  
**Eldson, William, Rochdale, Lancashire, Hair Dresser.** Oldham. Pet Jan 30. Ord Feb 14  
**Gibbs, George William, Kew, Surrey, Baker.** Wandsworth. Pet Jan 30. Ord Feb 14  
**Morris, Richard, Pantlinmawr, Llanrwst, Denbighshire, Farmer.** Bangor. Pet Jan 29. Ord Feb 14  
**Pearson, William, Carlton, Cambridgeshire, Shopkeeper.** Cambridge. Pet Feb 16. Ord Feb 16  
**Reynolds, Edwin James, Exeter, Devon, Wholesale Shoe Mercor.** Exeter. Feb 12. Ord Feb 15  
**Sandell, John Charles, Felpham, near Bognor, Sussex, of no occupation.** Brighton. Pet Feb 14. Ord Feb 14  
**Schofield, Thomas, Oldham, Lancashire, Builder.** Oldham. Pet Feb 12. Ord Feb 14  
**Shilton, James, Lechlade, Gloucestershire, Beerhouse Keeper.** Swindon. Feb 21. Ord Jan 21  
**Skey, Frederic Charles, Wear, Somersetshire, Clerk in Holy Orders.** Wells. Pet Jan 30. Ord Feb 15  
**Smith, Henry George, Andrew st, Brunswick rd, Poplar, Builder.** High Court. Pet Jan 16. Ord Feb 15  
**Strand, Richard Fuller, Canterbury, Dyer.** Canterbury. Pet Jan 23. Ord Feb 15  
**Sykes, Robert, Bristol, Merchant.** Bristol. Pet Feb 1. Ord Feb 16  
**Taylor, Albert, Thrapston, Northamptonshire, Innkeeper.** Northampton. Feb 23. Ord Feb 14  
**Wood, George, Oldham, Lancashire, Licensed Victualler.** Oldham. Pet Jan 31. Ord Feb 14  
The following Amended Notice is substituted for that published in the London

Gazette of the 15th February, 1884.

**Brown, John Oliver, and William Towler, Lancaster st, Borough, Moneylenders.** High Court. Pet Jan 17. Ord Feb 11

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